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April 19, 2017

Via Certified Mail - Return Receipt Requested
Scott Pruitt, Administrator
U.S. EPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Mail Code: 1101A
Washington, DC 20460

Via Certified Mail - Return Receipt Requested
Attorney General
Citizen Suit Coordinator
U.S. Department of Justice - ENRD
P.O. Box 7415
Ben Franklin Station
Washington DC 20044-7415

Via Certified Mail - Return Receipt Requested
Michelle Pirzadeh, Acting Administrator
U.S. EPA, Region 10
1200 Sixth Ave., Suite 900
Seattle, WA 98101

Re: Puget Soundkeeper Alliance v. Alaskan Copper Companies, Inc. d.b.a. Alaskan Copper Works, W.D. Wash. No. 2:17-cv-00627

Dear Honorable Civil Servants,

Enclosed is a copy of the complaint filed in the Western District of Washington in the above-named Clean Water Act citizen suit. This notice is provided to you pursuant to 40 CFR 135.4.

Very truly yours,

SMITH & LOWNEY, PLLC

By: _____
Marc Zemel

Richard Smith, WSBA #21788
Marc Zemel, WSBA # 44325
SMITH & LOWNEY, PLLC
2317 East John Street
Seattle, Washington 98112
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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PUGET SOUNDKEEPER ALLIANCE, Plaintiff, v. ALASKAN COPPER COMPANIES, INC. d.b.a. ALASKAN COPPER WORKS, Defendant.	)	COMPLAINT

I. INTRODUCTION

1. This action is a citizen suit brought under Section 505 of the Clean Water Act ("CWA") as amended, 33 U.S.C. § 1365. Plaintiff Puget Soundkeeper Alliance seeks a declaratory judgment, injunctive relief, the imposition of civil penalties, and the award of costs, including attorneys' and expert witnesses' fees, for Defendant Alaskan Copper Companies, Inc., d.b.a. Alaskan Copper Work's ("Alaskan Copper") repeated and ongoing violations of Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342, and the terms and conditions of its National Pollutant Discharge Elimination System ("NPDES") permit authorizing discharges of pollutants from Defendant's Seattle, Washington, facility to navigable waters.

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II. JURISDICTION AND VENUE

2. The Court has subject matter jurisdiction under Section 505(a) of the CWA, 33 U.S.C. § 1365(a). The relief requested herein is authorized by 33 U.S.C. §§ 1319(d) and 1365(a).

3. Under Section 505 (b)(1)(A) of the CWA, 33 U.S.C. § 1365(b)(1)(A), Plaintiff notified Defendant of Defendant's violations of the CWA and of Plaintiff's intent to sue under the CWA by letter dated and postmarked February 8, 2017 and delivered February 13, 2017 ("Notice Letter"). A copy of the Notice Letter is attached to this complaint as Exhibit 1. The allegations in the Notice Letter are incorporated herein by this reference. Plaintiff notified Defendant's Registered Agent, the Administrator of the United States Environmental Protection Agency ("USEPA"), the Administrator of USEPA Region 10, and the Director of the Washington Department of Ecology ("WDOE") of its intent to sue Defendant by mailing copies of the Notice Letter to these officials on February 8, 2017.

4. More than sixty days have passed since the notice was served and the violations complained of in the Notice Letter are continuing or are reasonably likely to continue to occur. Defendant is in violation of its NPDES permit and the CWA. Neither the USEPA nor the WDOE has commenced any action constituting diligent prosecution to redress these violations.

5. The source of the violations complained of is located in King County, Washington, within the Western District of Washington, and venue is therefore appropriate in the Western District of Washington pursuant to Section 505(c)(1) of the CWA, 33 U.S.C. § 1365(c)(1).

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III. PARTIES

6. Plaintiff, Puget Soundkeeper Alliance, is suing on behalf of itself and its member(s). Puget Soundkeeper Alliance is a non-profit corporation organized under the laws of the State of Washington. Puget Soundkeeper Alliance is a membership organization and has at least one member who is injured by Defendant's violations. Puget Soundkeeper Alliance is dedicated to protecting and preserving the environment of Washington State, especially the quality of its waters.

7. Plaintiff has representational standing to bring this action. Puget Soundkeeper Alliance's members are reasonably concerned about the effects of discharges of pollutants, including stormwater from Defendant's facility, on aquatic species and wildlife that Plaintiff's members observe, study and enjoy. Puget Soundkeeper Alliance's members are further concerned about the effect of discharges from Defendant's facility on human health. In addition, discharges from Defendant's facility lessen Puget Soundkeeper Alliance's members' aesthetic enjoyment of nearby areas. Puget Soundkeeper Alliance's members' concerns about the effects of Defendant's discharges are aggravated by Defendant's failure to record and report information about its discharges and pollution controls. The recreational, economic, aesthetic and/or health interests of Puget Soundkeeper Alliance and its member(s) have been, are being, and will be adversely affected by Defendant's violations of the CWA. The relief sought in this lawsuit can redress the injuries to these interests.

8. Plaintiff has organizational standing to bring this action. Plaintiff has been actively engaged in a variety of educational and advocacy efforts to improve water quality and to address sources of water quality degradation in the waters of western Washington, including the Duwamish Waterway and Puget Sound. Defendant has failed to fulfill monitoring,

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recordkeeping, reporting and planning requirements, among others, necessary for compliance with its NPDES permit and the CWA. As a result, Plaintiff is deprived of information necessary to properly serve its members by providing information and taking appropriate action to advance its mission. Plaintiff's efforts to educate and advocate for greater environmental protection for the benefit of its members are also precluded. Finally, Plaintiff and the public are deprived of information that influences members of the public to become members of Puget Soundkeeper Alliance, thereby reducing Puget Soundkeeper Alliance's membership numbers. Thus, Plaintiff's organizational interests have been adversely affected by Defendant's violations. These injuries are fairly traceable to Defendant's violations and redressable by the Court.

9. Defendant is a corporation authorized to conduct business under the laws of the State of Washington.

10. Defendant owns and operates a facility comprising several contiguous and adjacent buildings, parcels and outdoor storage/industrial areas used for dimensional metal pipe fabrication, located at or about 3200 6th Avenue South, 3405 6th Avenue South, 3300 6th Avenue South, and 2958 6th Avenue South, Seattle, WA 98134, including other contiguous or adjacent properties owned or operated by Defendant (the "facility").

IV. LEGAL BACKGROUND

11. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants by any person, unless in compliance with the provisions of the CWA. Section 301(a) prohibits, inter alia, such discharges not authorized by, or in violation of, the terms of a NPDES permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

12. The State of Washington has established a federally approved state NPDES program administered by the WDOE. Wash. Rev. Code § 90.48.260; Wash. Admin. Code ch.

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173-220. This program was approved by the Administrator of the USEPA pursuant to 33 U.S.C. § 1342(b).

13. Pursuant to Section 402(a) of the CWA, 33 U.S.C. § 1342(a), the WDOE has repeatedly issued the Industrial Stormwater General Permit, most recently on December 3, 2014, (the "General Permit"). The General Permit, in its various iterations since its first issuance in 1993 containing comparable requirements, authorizes those that obtain coverage under the General Permit to discharge stormwater, a pollutant under the CWA, and other pollutants contained in the stormwater to the waters of the State subject to certain terms and conditions.

14. The General Permit imposes certain terms and conditions on those covered thereby, including monitoring and sampling of discharges, reporting and recordkeeping requirements. To reduce and eliminate pollutant concentrations in stormwater discharges, the General Permit requires, among other things, that Permittees develop and implement best management practices ("BMPs") and a Stormwater Pollution Prevention Plan ("SWPPP"), and apply all known and reasonable methods of prevention, control and treatment ("AKART") to discharges. When a Permittee's stormwater discharge exceeds benchmark values for concentrations of certain pollutants (and action levels for concentrations of certain pollutants in a previous version of the General Permit), the General Permit requires the Permittee to complete the applicable Level 1, 2, or 3 corrective action requirement. The specific terms and conditions of the General Permit are described in detail in the Notice Letter, attached hereto as Exhibit 1, and incorporated herein by this reference.

V. FACTS

15. Pursuant to Condition S2 of the General Permit, Defendant filed with the WDOE an Application for General Permit to Discharge Stormwater Associated with Industrial Activity.

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WDOE granted Defendant coverage under the General Permit for Defendant's facility under Permit Number WAR000139. WDOE previously granted Defendant coverage under earlier versions of the General Permit for Defendant's facility under the same Permit Number WAR000139, and Permit Number SO3000139.

16. Defendant's facility is engaged in industrial activity and discharges stormwater and other pollutants to the Duwamish Waterway, a tributary to Puget Sound, via catch basins, pipes, ditches, and a municipal stormwater conveyance system.

17. Discharges from Defendant's facility contribute to the polluted conditions of the waters of the State, including contribution to the degradation and the impairment of the Duwamish Waterway for Sediment Bioassay, and polychlorinated biphenyls (PCB), among other toxins. Discharges from Defendant's facility contribute to the ecological impacts that result from the polluted state of these waters and to Plaintiff's and their members' injuries resulting therefrom.

18. The vicinity of the facility and the receiving waters are used by the citizens of Washington and visitors, as well as at least one of Plaintiff's members, for recreational activities, including boating, volunteering, biking, hiking, fishing and nature watching. Plaintiff's member(s) also derive(s) aesthetic benefits from the receiving waters. Plaintiff's and its members' enjoyment of these activities and waters is diminished by the polluted state of the receiving waters and by Defendant's contributions to such polluted state.

19. Defendant has violated the General Permit and Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342, by discharging pollutants in violation of an NPDES Permit. Defendant's violations of the General Permit and the CWA are set forth in full in sections I through IX of the Notice Letter, attached hereto as Exhibit 1, and are incorporated

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herein by this reference. In particular and among the other violations described in the Notice Letter, Defendant has failed to collect representative discharge samples, failed to analyze for all required parameters, failed to timely submit Discharge Monitoring Reports, failed to implement best management practices to control stormwater quality, violated numeric effluent limitations, failed to conduct corrective actions, failed to comply with water quality standards, and failed to prepare and implement a compliant SWPPP, as required by the General Permit.

20. Defendant has discharged stormwater containing levels of pollutants that exceed the benchmark values established in the General Permit, as specified in Tables 1 and 2 below. Defendant's stormwater discharges are causing or contributing to violations of water quality standards and therefore violate the General Permit. Additionally, Defendant's exceedances of the benchmark values and numeric effluent limitations demonstrate that Defendant is failing to apply AKART to its discharges and/or is failing to implement an adequate SWPPP and BMPs. These requirements and violations are described in detail in section I of the Notice Letter, attached hereto as Exhibit 1, and are incorporated herein by this reference.

21. Defendant has sampled its stormwater discharges on dates identified in Tables 1 and 2 of this Complaint and determined that such discharges contained pollution in amounts exceeding benchmarks, as shown in Tables 1 and 2.

Table 1: Alaskan Copper's Benchmark Exceedances – Monitoring Point 01 and 02

Quarter in which sample collected	Turbidity (Benchmark 25 NTU)	Zn Concentration (Benchmark 117 µg/L)	Cu Concentration (Benchmark 14 µg/L)
1st Quarter 2010	57.4 NTU	193 µg/L	163 µg/L
2nd Quarter 2010		119	132
3rd Quarter 2010		186	128
4th Quarter 2010			99.3
1st Quarter 2011			119
2nd Quarter 2011			33.5
3rd Quarter 2011			95.9

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4th Quarter 2011			32.7
2nd Quarter 2012			35.3
4th Quarter 2012			35.4
1st Quarter 2013	52.7		96.7
2nd Quarter 2013			62.4
3rd Quarter 2013			45.9
4th Quarter 2013			36.2
1st Quarter 2014			90
2nd Quarter 2014			96.4
3rd Quarter 2014			39.5
4th Quarter 2014			27.2
1st Quarter 2015			82.8
2nd Quarter 2015			37.4
3rd Quarter 2015			79.9
4th Quarter 2015			46.3
1st Quarter 2016			16.5
2nd Quarter 2016			231
3rd Quarter 2016[1]			263
4th Quarter 2016		137	405
1st Quarter 2017		118	447

Table 2 – Alaskan Copper's Benchmark Exceedances – Monitoring Point 07

Quarter in which sample collected	Turbidity (Benchmark 25 NTU)	Zn Concentration (Benchmark 117 µg/L)	Cu Concentration (Benchmark 14 µg/L)
1st Quarter 2010	32.5 NTU	666 µg/L	119 µg/L
2nd Quarter 2010		666	116
3rd Quarter 2010		1,870	399
4th Quarter 2010		285	145
2nd Quarter 2011		565	112
3rd Quarter 2011		322	78.3
4th Quarter 2011		422	43.2
1st Quarter 2012		1,080	
2nd Quarter 2012		899	86.6
4th Quarter 2012		1,160	55.5
1st Quarter 2013		1,760	73.3
2nd Quarter 2013		1,840	113
3rd Quarter 2013		3,910	291
1st Quarter 2014		514	183
2nd Quarter 2014		186	67.2
3rd Quarter 2014		235	108
4th Quarter 2014		202	47.6

[1] Starting in 3rd Quarter 2016, Defendant moved its monitoring location south of Building 3300 from catch basin CB330001 (monitoring point "01") to adjacent catch basin CB330002 (monitoring point "02").

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22. The stormwater samples identified in Tables 1 and 2 are representative of and accurately characterize the quality of stormwater discharges generated by the facility during the associated calendar quarter at the associated location.

23. Defendant has not developed and/or implemented a SWPPP in accordance with the requirements of the General Permit. Defendant's SWPPP does not specify all of the BMPs that are necessary to provide AKART and to ensure that discharges do not cause or contribute to violations of water quality standards, and does not include all of the specific requirements of the General Permit, including certain mandatory BMPs, a sufficiently detailed facility description and a sufficiently detailed site map. These SWPPP requirements and violations are described in detail in section II of the Notice Letter, attached hereto as Exhibit 1, and are incorporated herein by this reference.

24. Defendant has violated the monitoring requirements in the General Permit. Defendant has failed to collect stormwater samples and/or submit discharge monitoring reports during all quarters as required by the General Permit.

25. Defendant has several distinct points of discharge offsite that Defendant has never monitored, sampled or submitted DMRs for, as required. These unmonitored discharge points include but are not limited to catch basins next to Building 3200 along 6th Avenue South, catch basins in or adjacent to the outdoor metal storage area between Building 3200 and Building 2958, other discharge locations around Building 2958 and/or Building 628, a discharge location south or east of Building 3405, and a discharge location at the north end of the facility.

26. Defendant failed to collect stormwater samples and/or to submit DMRs for Monitoring Point 07 during the third quarter of 2012, fourth quarter of 2013, first quarter of

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2015, second quarter of 2015, third quarter of 2015, fourth quarter of 2015, first quarter of 2016, second quarter of 2016, third quarter of 2016, fourth quarter of 2016, and first quarter of 2017. These monitoring requirements and violations are described in section III of the Notice Letter, attached hereto as Exhibit 1, and are incorporated herein by this reference.

27. Defendant has failed to analyze for certain parameters during the following monitoring periods as indicated in Table 3 of this Complaint, below:

Table 3 – Parameters Not Analyzed

Monitoring Period	Parameters Not Analyzed (Monitoring Point)
1st Quarter 2012	Copper (MP 07), TSS (MPs 01 and 07)
2nd Quarter 2012	TSS (MPs 01 and 07)
4th Quarter 2012	TSS (MPs 01 and 07)
1st Quarter 2013	TSS (MPs 01 and 07)
2nd Quarter 2013	TSS (MPs 01 and 07)
3rd Quarter 2013	TSS (MPs 01 and 07)
4th Quarter 2013	TSS (MPs 01 and 07)
1st Quarter 2014	Zinc (MP 01), TSS (MPs 01 and 07)
2nd Quarter 2014	Zinc (MP 01), TSS (MPs 01 and 07)
3rd Quarter 2014	Zinc (MP 01), TSS (MPs 01 and 07)
4th Quarter 2014	Zinc (MP 01), TSS (MPs 01 and 07)
1st Quarter 2015	Zinc (MP 01)
2nd Quarter 2015	Zinc (MP 01)
3rd Quarter 2015	Zinc (MP 01)
4th Quarter 2015	Zinc (MP 01)
1st Quarter 2016	Zinc (MP 01)
2nd Quarter 2016	Zinc (MP 01)

28. Defendant's stormwater runoff discharges into a segment of the Duwamish Waterway that is listed as impaired for sediment quality under § 303(d) of the CWA. This segment has been §303(d) listed for sediment bioassay since at least the 2008 water quality assessment, imposing a Total Suspended Solids (TSS) numeric effluent of 30 mg/L on Defendants' discharges under several iterations of the General Permit. Defendant has sampled its stormwater discharges on dates identified in Table 4 of this Complaint and determined that such discharges contained pollution in amounts exceeding the TSS numeric effluent limitation,

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as shown in Table 4. Each and every numeric effluent limitation violation constitutes a separate violation of the General Permit and the CWA. On information and belief, had Defendant sampled its discharges in all required locations at all required times and analyzed those discharges for TSS, Defendant would have documented additional numeric effluent limitation violations. These numeric effluent limitation violations are reasonably likely to recur.

Table 4 – Alaskan Copper's Numeric Effluent Limitation Violations

Date on which sample collected	TSS concentration (limitation: 30 mg/L)
August 14, 2015 (MP 02)	76.9 mg/L
January 12, 2016 (MP 02)	41
April 29, 2016 (MP 02)	65

29. Defendant has not conducted and/or documented inspections as required by the General Permit. These inspection requirements and violations are described in detail in section III.D of the Notice Letter, attached hereto as Exhibit 1, and are incorporated herein by this reference.

30. Defendant has not conducted and/or completed the corrective action responses as required by the General Permit. Condition S8B. of the General Permit requires permittee to undertake a Level 1 corrective action whenever it exceeds a benchmark value identified in Condition S5. A Level 1 corrective action comprises review of the SWPPP to ensure permit compliance, revisions to the SWPPP to include additional operational source control BMPs with the goal of achieving the applicable benchmark values in future discharges, including signature and certification of the revised SWPPP, summary of the Level 1 corrective action in the annual report, and full implementation of the revised SWPPP as soon as possible, but no later than the DMR due date for the quarter the benchmark was exceeded. Defendant was required to complete a Level 1 corrective action for every benchmark exceedance identified in Tables 1

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through 3 above. Defendant has not completed all of these corrective actions as required. These corrective action requirements and violations are described in section VI.A of the Notice Letter, attached hereto as Exhibit 1, and are incorporated herein by this reference. On information and belief, had Defendant conducted all discharge monitoring as required, it would have documented additional Level 1 corrective action requirements that it did not conduct.

31. Condition S8.C. of the General Permit requires a permittee to undertake a Level 2 corrective action whenever it exceeds a benchmark value for any two quarters during a calendar year. A Level 2 corrective action comprises review of the SWPPP to ensure permit compliance, revision of the SWPPP to include additional structural source control BMPs with the goal of achieving the benchmark in future discharges, including signature and certification of the revised SWPPP in accordance with Condition S3.A.6., summary of the Level 2 corrective action (planned or taken) in the annual report, and full implementation of the revised SWPPP by September 30 of the following year, including installation of necessary structural source control BMPs. Defendant triggered Level 2 response requirements for, as indicated by the benchmark exceedances in Tables 1 and 2 above, including for copper in 2012. Defendant has not completed all of the corrective actions as required. These corrective action requirements and violations are described in section IV.B of the Notice Letter, attached hereto as Exhibit 1, and are incorporated herein by this reference. On information and belief, had Defendant conducted all discharge monitoring as required, it would have documented additional Level 2 corrective action requirements that it did not conduct.

32. Condition S8.D. of the General Permit requires a permittee to undertake a Level 3 corrective action whenever it exceeds a benchmark value for any three quarters during a calendar year. A Level 3 corrective action comprises review of the SWPPP to ensure permit compliance,

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revision of the SWPPP to include additional treatment BMPs with the goal of achieving the applicable benchmark value in future discharges, including signature and certification of the revised SWPPP in accordance with Condition S3.A.6., summary of the Level 3 corrective action (planned or taken) in the annual report, and full implementation of the revised SWPPP by September 30 of the following year, including installation of necessary treatment BMPs. Defendant triggered Level 3 corrective action requirements for copper in 2010, 2011, 2013, 2014, 2015 and 2016, and for zinc in 2010, 2011, 2012, 2013, and 2014. Defendant has not completed all of the corrective actions as required. These corrective action requirements and violations are described in section IV.C of the Notice Letter, attached hereto as Exhibit 1, and are incorporated herein by this reference. On information and belief, had Defendant conducted all discharge monitoring as required, it would have documented additional Level 3 corrective action requirements that it did not conduct.

33. Defendant has violated the recordkeeping requirements of the General Permit. The recordkeeping requirements are outlined in Condition S9.C of the General Permit. The General Permit requires the retention of the records identified for a minimum of five (5) years. Defendant is in violation of this condition by failing to retain the sampling documentation of Condition S4.B.3, the inspection documentation of S7, equipment calibration records, all BMP maintenance records, all original recordings for continuous sampling instrumentation, copies of all laboratory reports as described in S3.B.4, all DMRs, or copies of any other reports required by the Permit for the specified five-year period. These requirements and violations are described in section VII of the Notice Letter, which is attached hereto as Exhibit 1 and incorporated herein by this reference.

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34. Defendant has violated the reporting requirements of the General Permit. Defendant failed to submit an annual report with all the required information for 2012, 2013, 2014 and 2015. These reporting requirements and violations are described in section VI of the Notice Letter, attached hereto as Exhibit 1, and are incorporated herein by this reference.

35. Defendant has violated the General Permit's requirements by failing to take the affirmative steps required when Defendant violated terms and conditions of the General Permit, which violations may have endangered human health or the environment. These requirements and violations are described in section VIII of the Notice Letter, attached hereto as Exhibit 1 and incorporated herein by this reference.

36. A significant penalty should be imposed against Defendant pursuant to the penalty factors set forth in 33 U.S.C. § 1319(d).

37. Defendant's violations of the CWA degrade the environment and the water quality of the receiving water bodies.

38. Defendant's violations were avoidable had Defendant been diligent in overseeing facility operations and maintenance.

39. Defendant has benefited economically as a consequence of its violations and its failure to implement improvements at the facility.

40. Defendant is a privately held, profitable corporation operating in multiple states and Canada. Given its size and resources, Defendant can afford to pay a significant penalty. Indeed, such penalty is required to meet the deterrence goals of the Clean Water Act's penalty factors.

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VI. CAUSE OF ACTION

41. The preceding paragraphs and the allegations in sections I through VIII of the Notice Letter are incorporated herein.

42. Defendant's violations of its NPDES permit described herein and in the Notice Letter constitute violations of sections 301 and 402 of the Clean Water Act, 33 U.S.C. §§ 1311 and 1342, and violations of "effluent standard(s) or limitation(s)" as defined by section 505, 33 U.S.C. § 1365.

43. On information and belief, the violations committed by Defendant are ongoing or are reasonably likely to continue to occur. Any and all additional violations of the General Permit and the CWA which occur after those described in Plaintiff's Notice Letter but before a final decision in this action should be considered continuing violations subject to this Complaint.

44. Without the imposition of appropriate civil penalties and the issuance of an injunction, Defendant is likely to continue to violate the General Permit and the CWA to the further injury of the Plaintiff, its member(s) and others.

45. A copy of this Complaint was served upon the Attorney General of the United States and the Administrator of the USEPA as required by 33 U.S.C. § 1365(c)(3).

VII. RELIEF REQUESTED

Wherefore, Plaintiff respectfully requests that this Court grant the following relief:

A. Issue a declaratory judgment that Defendant has violated and continues to be in violation of the General Permit and Sections 301 and 402 of the Clean Water Act, 33 U.S.C. §§ 1311 and 1342;

B. Enjoin Defendant from operating its facility in a manner that results in further violations of the General Permit or the Clean Water Act;

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C. Order Defendant to immediately implement a Storm Water Pollution Prevention Plan that is in compliance with the General Permit, and to provide Plaintiff with a copy of this Plan;

D. Order Defendant to allow Plaintiff to participate in the development and implementation of Defendant's Storm Water Pollution Prevention Plan;

E. Order Defendant to provide Plaintiff, for a period beginning on the date of the Court's Order and running for one year after Defendant achieves compliance with all of the conditions of the General Permit, with copies of all reports and other documents which Defendant submits to the USEPA or to the WDOE regarding Defendant's coverage under the General Permit at the time it is submitted to these authorities;

F. Order Defendant to take specific actions to remediate the environmental harm caused by its violations;

G. Order Defendant to pay civil penalties of $37,500.00 per day of violation for each violation committed by Defendant before November 2, 2015, and $51,570 per day of violation for each violation committed by Defendant thereafter, pursuant to Sections 309(d) and 505(a) of the CWA, 33 U.S.C. §§ 1319(d) and 1365(a), and 40 C.F.R. § 19;

H. Award Plaintiff their litigation expenses, including reasonable attorneys' and expert witness fees, as authorized by Section 505(d) of the CWA, 33 U.S.C. § 1365(d); and

I. Award such other relief as this Court deems appropriate.

[Signature block on following page]

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RESPECTFULLY SUBMITTED this 19th day of April, 2017.

SMITH & LOWNEY, PLLC

By: *s/Richard Smith*
Richard Smith, WSBA # 21788
By: *s/Marc Zemel*
Marc Zemel, WSBA #44325
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EXHIBIT 1

SMITH & LOWNEY, P.L.L.C.
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February 8, 2017

Via Certified Mail - Return Receipt Requested
Managing Agent
Alaskan Copper Companies, Inc., d.b.a. Alaskan Copper Works
3200 6th Ave S
Seattle, WA 98134

Via Certified Mail - Return Receipt Requested
Managing Agent
Alaskan Copper Companies, Inc., d.b.a. Alaskan Copper Works
P.O. Box 3546
Seattle, WA 98124

Re: **NOTICE OF INTENT TO SUE UNDER THE CLEAN WATER ACT AND REQUEST FOR COPY OF STORMWATER POLLUTION PREVENTION PLAN**

Dear Managing Agent:

We represent Puget Soundkeeper Alliance ("Soundkeeper"), 130 Nickerson St. #107, Seattle, WA 98109, (206) 297-7002. Any response or correspondence related to this matter should be directed to us at the letterhead address. This letter is to provide you with sixty days notice of Soundkeeper's intent to file a citizen suit against Alaskan Copper Companies, Inc., d.b.a. Alaskan Copper Works ("Alaskan Copper") under section 505 of the Clean Water Act ("CWA"), 33 USC § 1365, for the violations described below. This letter is also a request for a copy of the complete and current stormwater pollution prevention plan ("SWPPP") required by Alaskan Copper's National Pollution Discharge Elimination System ("NPDES") permit.

Alaskan Copper was granted coverage under Washington's Industrial Stormwater General Permit issued by the Washington Department of Ecology ("Ecology") on August 21, 2002, effective September 20, 2002, modified on December 1, 2004, reissued on August 15, 2007, effective September 15, 2007, reissued again on October 15, 2008, effective November 15, 2008, and remaining effective through December 31, 2009, under National Pollutant Discharge Elimination System Permit No. SO3000139 (the "2002 Permit"). Alaskan Copper was granted coverage under the subsequent iteration of the Washington Industrial Stormwater General Permit issued by Ecology on October 21, 2009, effective January 1, 2010, modified May 16, 2012, effective July 1, 2012, and set to expire on January 1, 2015, under National Pollutant Discharge Elimination System Permit No. WAR000139 (the "2010 Permit"). Ecology granted Alaskan Copper coverage under the current iteration of the ISGP, issued by Ecology on December 3, 2014, effective January 2, 2015, and set to expire on December 31, 2019 (the "2015 Permit") and maintains the same permit number, WAR000139.

Alaskan Copper has violated and continues to violate the CWA (see Sections 301 and 402 of the CWA, 33 USC §§ 1311 and 1342) and the terms and conditions of the 2010 Permit and the 2015 Permit (collectively, the "Permits") with respect to operations of, and discharges of stormwater and pollutants from, its facility located at or about 3200 6th Avenue S., and encompassing 3300 6th Avenue S., 3223 6th Avenue S., 3301 Avenue S., 3317 6th Avenue S., and 3405 6th Avenue S., in Seattle, WA (the "facility") as described herein, to the Duwamish Waterway. The facility subject to this notice includes any other contiguous or adjacent properties owned or operated by Alaskan Copper.

I. COMPLIANCE WITH STANDARDS.

A. Violations of Water Quality Standards.

Condition S10.A of the Permits prohibits discharges that cause or contribute to violations of water quality standards. Water quality standards are the foundation of the CWA and Washington's efforts to protect clean water. In particular, water quality standards represent the U.S. Environmental Protection Agency ("EPA") and Ecology's determination, based on scientific studies, of the thresholds at which pollution starts to cause significant adverse effects on fish or other beneficial uses. For each water body in Washington, Ecology designates the "beneficial uses" that must be protected through the adoption of water quality standards.

A discharger must comply with both narrative and numeric criteria water quality standards. WAC 173-201A-010; WAC 173-201A-510 ("No waste discharge permit can be issued that causes or contributes to a violation of water quality criteria, except as provided for in this chapter."). Narrative water quality standards provide legal mandates that supplement the numeric criteria. Furthermore, the narrative water quality standard applies with equal force even if Ecology has established a numeric water quality standard. Specifically, Condition S10.A of the Permits requires that Alaskan Copper's discharges not cause or contribute to an excursion of Washington State water quality standards.

Alaskan Copper discharges to the Duwamish Waterway, which does not meet water and sediment quality standards for polychlorinated biphenyls (PCBs), arsenic, Benzo(a)anthracene and other toxic chemicals, and is included on the state's "303(d) list" of impaired water bodies. Alaskan Copper discharges stormwater that contains elevated levels of turbidity, zinc, copper and total suspended solids (TSS) as indicated in the table of benchmark exceedances and table of numeric effluent limitation violations below. These discharges cause and/or contribute to violations of water quality standards (including sediment quality standards) in the Duwamish Waterway for turbidity, copper, zinc, and PCBs, violations of the sediment management standards in the Duwamish Waterway for sediment bioassay, violations of the toxics water quality criteria for salmonid rearing and migration, secondary contract recreation, wildlife habitat and fish harvesting, as well as violations of the aesthetic criteria for the Duwamish Waterway due to the presence of turbid and toxic discharges from the facility that offend the senses of sight, smell and touch in the Duwamish Waterway. *See* WAC 173-201A-200, WAC 173-201A-240, WAC 173-201A-602, WAC

173-201A-600, and WAC 173-204 Part III. These violations have occurred each and every day during the last five years on which there was 0.1 inch or more of precipitation, and continue to occur. Precipitation data from that time period is appended to this notice of intent to sue and identifies these days.

Table 1: Benchmark Exceedances – Monitoring Point 01

Quarter in which sample collected	Turbidity (Benchmark 25 NTU)	Zn Concentration (Benchmark 117 µg/L)	Cu Concentration (Benchmark 14 µg/L)
1st Quarter 2010	57.4 NTU	193 µg/L	163 µg/L
2nd Quarter 2010		119	132
3rd Quarter 2010		186	128
4th Quarter 2010			99.3
1st Quarter 2011			119
2nd Quarter 2011			33.5
3rd Quarter 2011			95.9
4th Quarter 2011			32.7
2nd Quarter 2012			35.3
4th Quarter 2012			35.4
1st Quarter 2013	52.7		96.7
2nd Quarter 2013			62.4
3rd Quarter 2013			45.9
4th Quarter 2013			36.2
1st Quarter 2014			90
2nd Quarter 2014			96.4
3rd Quarter 2014			39.5
4th Quarter 2014			27.2
1st Quarter 2015			82.8
2nd Quarter 2015			37.4
3rd Quarter 2015			79.9
4th Quarter 2015			46.3
1st Quarter 2016			16.5
2nd Quarter 2016			231
3rd Quarter 2016			263
4th Quarter 2016			405

Table 2: Benchmark Exceedances – Monitoring Point 07

Quarter in which sample collected	Turbidity (Benchmark 25 NTU)	Zn Concentration (Benchmark 117 µg/L)	Cu Concentration (Benchmark 14 µg/L)
1st Quarter 2010	32.5 NTU	666 µg/L	119 µg/L
2nd Quarter 2010		666	116
3rd Quarter 2010		1,870	399
4th Quarter 2010		285	145
2nd Quarter 2011		565	112

3rd Quarter 2011	322	78.3
4th Quarter 2011	422	43.2
1st Quarter 2012	1,080	
2nd Quarter 2012	899	86.6
4th Quarter 2012	1,160	55.5
1st Quarter 2013	1,760	73.3
2nd Quarter 2013	1,840	113
3rd Quarter 2013	3,910	291
1st Quarter 2014	514	183
2nd Quarter 2014	186	67.2
3rd Quarter 2014	235	108
4th Quarter 2014	202	47.6

B. Compliance with Standards.

Condition S10.C of the Permits requires Alaskan Copper to apply all known and reasonable methods of prevention, control and treatment ("AKART") to all discharges, including preparation and implementation of an adequate SWPPP and best management practices ("BMPs"). Alaskan Copper has violated and continues to violate these conditions by failing to apply AKART to its discharges or to implement an adequate SWPPP and BMPs as evidenced by the elevated levels of pollutants in its discharge indicated in the table above and as described below in this notice of intent to sue.

Condition S1.A of the Permits requires that all discharges and activities authorized be consistent with the terms and conditions of the permits. Alaskan Copper has violated these conditions by discharging and acting inconsistent with the conditions of the Permits as described in this notice of intent to sue.

II. STORMWATER POLLUTION PREVENTION PLAN VIOLATIONS.

On information and belief, Alaskan Copper is in violation of the Permits' SWPPP provisions as follows:

1. Condition S3.A.1 of the Permits requires Alaskan Copper to develop and implement a SWPPP as specified. Condition S3.A.2 of the Permits requires the SWPPP to specify BMPs necessary to provide AKART and ensure that discharges do not cause or contribute to violations of water quality standards. On information and belief, Alaskan Copper has violated these requirements of the Permits each and every day during the last five years and continues to violate them as it has failed to prepare and/or implement a SWPPP that includes AKART BMPs and BMPs necessary to comply with state water quality standards.

2. Condition S3.A of the Permits requires Alaskan Copper to have and implement a SWPPP that is consistent with permit requirements, fully implemented as directed by permit conditions, and updated as necessary to maintain compliance with permit conditions. On information and belief, Alaskan Copper has violated these requirements of the Permits each and every day during the last five years and continues to violate them because its

SWPPP is not consistent with permit requirements, has not been fully implemented and has not been updated as necessary.

3. The SWPPP fails to satisfy the requirements of Condition S3 of the Permits because it does not adequately describe BMPs. Condition S3.B.4 of the Permits requires that the SWPPP include a description of the BMPs that are necessary for the facility to eliminate or reduce the potential to contaminate stormwater. Condition S3.A.3 of the Permits requires that the SWPPP include BMPs consistent with approved stormwater technical manuals or document how stormwater BMPs included in the SWPPP are demonstratively equivalent to the practices contained in the approved stormwater technical manuals, including the proper selection, implementation, and maintenance of all applicable and appropriate BMPs. Alaskan Copper's SWPPP does not comply with these requirements because it does not adequately describe BMPs and does not include all BMPs consistent with approved stormwater technical manuals nor does it include BMPs that are demonstratively equivalent to such BMPs with documentation of BMP adequacy.

4. Alaskan Copper's SWPPP fails to satisfy the requirements of Condition S3.B.2 of the Permits because it fails to include a facility assessment as mandated. The SWPPP fails to include an adequate facility assessment because it does not describe all the industrial activities conducted at the site in each location, the general layout of the facility including buildings and storage of raw materials, the flow of goods and materials through the facility, or seasonal variations in business hours or in industrial activities, as required.

5. Alaskan Copper's SWPPP fails to satisfy the requirements of Condition S3.B.1 of the Permits because it does not include a site map that identifies all significant features, all the stormwater drainage and discharge structures, the stormwater drainage areas for each stormwater discharge point off-site, a unique identifying number for each discharge point, each sampling location with a unique identifying number, paved areas and buildings, areas of pollutant contact associated with specific industrial activities, conditionally approved non-stormwater discharges, surface water locations, areas of existing and potential soil erosion, vehicle maintenance areas, and lands and waters adjacent to the site that may be helpful in identifying discharge points or drainage routes.

6. Alaskan Copper's SWPPP fails to comply with Condition S3.B.2.b of the Permits because it does not include an inventory of industrial activities that identifies all areas associated with industrial activities that have been or may potentially be sources of pollutants as required. The SWPPP does not identify all areas associated with loading and unloading of dry bulk materials or liquids, outdoor storage of materials or products, outdoor manufacturing and processing, onsite dust or particulate generating processes, on-site waste treatment, storage, or disposal, vehicle and equipment fueling, maintenance, and/or cleaning, roofs or other surfaces exposed to air emissions from a manufacturing building or a process area, and roofs or other surfaces composed of materials that may be mobilized by stormwater as required by these conditions.

7. Alaskan Copper's SWPPP does not comply with Condition S3.B.2.c of the Permits because it does not include an adequate inventory of materials. The SWPPP does not

include a complete inventory of materials that lists the types of materials handled at the site that potentially may be exposed to precipitation or runoff and that could result in stormwater pollution, a short narrative for material describing the potential for the pollutants to be present in stormwater discharge that is updated when data becomes available to verify the presence or absence of the pollutants, a narrative description of any potential sources of pollutants from past activities, materials and spills that were previously handled, treated, stored, or disposed of in a manner to allow ongoing exposure to stormwater as required. The SWPPP does not include the method and location of on-site storage or disposal of such materials and a list of significant spills and significant leaks of toxic or hazardous pollutants as these permit conditions require.

8. Alaskan Copper's SWPPP does not comply with Condition S3.B.3 of the Permits because it does not identify specific individuals by name or title whose current responsibilities include SWPPP development, implementation, maintenance and modification.

9. Condition S3.B.4 of the 2010 Permit required that permittees include in their SWPPPs and implement certain mandatory BMPs no later than July 1, 2010 unless site conditions render the BMP unnecessary, infeasible, or an alternative and equally effective BMP is provided. Condition S3.B.4 of the 2015 Permit also requires that permittees include in their SWPPPs and implement mandatory BMPs subject to the same conditions. Alaskan Copper is in violation of this requirement because it has failed to include in its SWPPP and implement all the mandatory BMPs of the Permits.

10. Alaskan Copper's SWPPP does not comply with Condition S3.B.4.b.i of the Permits because it does not include all required operational source control BMPs specific to the facility in the following categories: good housekeeping (including definition of ongoing maintenance and cleanup of areas that may contribute pollutants to stormwater discharges, and a schedule/frequency for each housekeeping task); preventive maintenance (including BMPs to inspect and maintain stormwater drainage, source controls, treatment systems, and plant equipment and systems, and the schedule/frequency for each task); spill prevention and emergency cleanup plan (including BMPs to prevent spills that can contaminate stormwater, for material handling procedures, storage requirements, cleanup equipment and procedures, and spill logs); employee training (including an overview of what is in the SWPPP, how employees make a difference in complying with the SWPPP, spill response procedures, good housekeeping, maintenance requirements, and material management practices, how training will be conducted, the frequency/schedule of training, and a log of the dates on which specific employees received training); inspections and recordkeeping (including documentation of procedures to ensure compliance with permit requirements for inspections and recordkeeping, including identification of personnel who conduct inspections, provision of a tracking or follow-up procedure to ensure that a report is prepared and appropriate action taken in response to visual monitoring, definition of how Alaskan Copper will comply with signature and record retention requirements, and certification of compliance with the SWPPP and Permit).

11. Alaskan Copper's SWPPP does not comply with Condition S3.B.4.b.i.7 of the Permits because it does not include measures to identify and eliminate the discharge of

process wastewater, domestic wastewater, noncontact cooling water, and other illicit discharges to stormwater sewers, or to surface waters and ground waters of the state.

12. Alaskan Copper's SWPPP does not comply with Condition S3.B.4.b.ii of the Permits because it does not include required structural source control BMPs to minimize the exposure of manufacturing, processing, and material storage areas to rain, snow, snowmelt, and runoff. Alaskan Copper's SWPPP does not comply with Condition S3.B.4.b.iii of the Permits because it does not include treatment BMPs as required.

13. Alaskan Copper's SWPPP fails to comply with Condition S3.B.4.b.v of the Permits because it does not include BMPs to prevent the erosion of soils or other earthen materials and prevent off-site sedimentation and violations of water quality standards.

14. Alaskan Copper's SWPPP fails to satisfy the requirements of Condition S3.B.5 of the Permits because it fails to include a stormwater sampling plan as required. The SWPPP does not include a sampling plan that identifies all points of discharge to surface waters, storm sewers, or discrete ground water infiltration locations, documents why each discharge point is not sampled, identifies each sampling point by its unique identifying number, identifies current staff responsible for conducting stormwater sampling, specifies procedures for sampling collection and handling, specifies procedures for sending samples to the a laboratory, identifies parameters for analysis, holding times and preservatives, laboratory quantization levels, and analytical methods, and that specifies the procedure for submitting the results to Ecology.

III. MONITORING AND REPORTING VIOLATIONS.

A. Failure to Collect Quarterly Samples.

Condition S4.B of the Permits requires Alaskan Copper to collect a sample of its stormwater discharge once during every calendar quarter. Conditions S3.B.5.b and S4.B.2.c of the Permits require Alaskan Copper to collect stormwater samples at each distinct point of discharge offsite except for substantially identical outfalls, in which case only one of the substantially identical outfalls must be sampled. These conditions set forth sample collection criteria, but require the collection of a sample even if the criteria cannot be met. On information and belief, the facility has at least four distinct points of discharge off-site: catch basins CB330001 (Monitoring Point 01), CB331707 (Monitoring Point 07), CB 330102, and a catch basin at the southwest corner of Building 3200. On information and belief, there are also additional unnamed distinct discharge points.

Alaskan Copper violated these requirements by failing to collect stormwater samples at CB 330102 and the catch basin at the southwest corner of Building 3200 at any time over the past five years.

Alaskan Copper violated these requirements by failing to collect stormwater samples at Monitoring Point (MP) 07 during the third quarter of 2012, fourth quarter of 2013, first quarter of 2015, second quarter of 2015, third quarter of 2015, fourth quarter of 2015, first

quarter of 2016, second quarter of 2016, third quarter of 2016, and fourth quarter of 2016. Alaskan Copper also violated these requirements by failing to collect stormwater samples at MP 01 during the third quarter of 2012.

Alaskan Copper has also violated and continues to violate these conditions because it does not sample each additional distinct point of discharge off-site. These violations have occurred and continue to occur each and every quarter during the last five years that Alaskan Copper was and is required to sample its stormwater discharges, including the quarters in which it collected stormwater discharge samples from some, but not each, point of discharge. These violations will continue until Alaskan Copper commences monitoring all distinct points of discharge.

B. Failure to Analyze Quarterly Samples.

Condition S5.A.1 of the Permits requires Alaskan Copper to analyze stormwater samples collected quarterly for turbidity, pH, total copper, and total zinc. Because the facility is engaged in metals fabrication (Standard Industrial Classification codes 3443 and 3498), Condition S5.B, Table 3 of the Permits also requires Alaskan Copper to analyze stormwater samples collected quarterly for total lead and petroleum hydrocarbons (diesel fraction). In addition, because the facility discharges to a segment of the Duwamish Waterway that has been 303(d) listed (Category 5) for sediment quality since the 2008 Water Quality Assessment, Condition S6.C.1 and Tables 5 and 6 of the 2010 and 2015 Permits, respectively, require Alaskan Copper to analyze stormwater samples collected quarterly for total suspended solids (TSS).

Alaskan Copper violated these conditions by failing to analyze stormwater samples as describe in Table 3 below:

Table 3 – Parameters Not Analyzed

Monitoring Period	Parameters Not Analyzed (Monitoring Point)
1st Quarter 2012	Copper (MP 07), TSS (MPs 01 and 07)
2nd Quarter 2012	TSS (MPs 01 and 07)
4th Quarter 2012	TSS (MPs 01 and 07)
1st Quarter 2013	TSS (MPs 01 and 07)
2nd Quarter 2013	TSS (MPs 01 and 07)
3rd Quarter 2013	TSS (MPs 01 and 07)
4th Quarter 2013	TSS (MPs 01 and 07)
1st Quarter 2014	Zinc (MP 01), TSS (MPs 01 and 07)
2nd Quarter 2014	Zinc (MP 01), TSS (MPs 01 and 07)
3rd Quarter 2014	Zinc (MP 01), TSS (MPs 01 and 07)
4th Quarter 2014	Zinc (MP 01), TSS (MPs 01 and 07)
1st Quarter 2015	Zinc (MP 01)
2nd Quarter 2015	Zinc (MP 01)
3rd Quarter 2015	Zinc (MP 01)
4th Quarter 2015	Zinc (MP 01)

1st Quarter 2016	Zinc (MP 01)
2nd Quarter 2016	Zinc (MP 01)

C. Failure to Timely Submit Discharge Monitoring Reports.

Condition S9.A of the Permits requires Alaskan Copper to use DMR forms provided or approved by Ecology to summarize, report and submit monitoring data to Ecology. For each monitoring period (calendar quarter) a DMR must be completed and submitted to Ecology not later than 45 days after the end of the monitoring period.

Alaskan Copper has violated these conditions by failing to submit a DMR within the time prescribed for CB 330102, and a catch basin at the southwest corner of Building 3200 for any quarter over the past five years.

Alaskan Copper has also violated these conditions by failing to submit a DMR within the time prescribed for MP 07 for any quarters in 2015 and 2016. In addition, Alaskan Copper violated these conditions by failing to submit a DMR with the time prescribed for MP 01 for the first quarter of 2014.

D. Failure to Comply with Visual Monitoring Requirements.

Condition S7.A of the Permits requires that monthly visual inspection be conducted at the facility by qualified personnel. Each inspection is to include observations made at stormwater sampling locations and areas where stormwater associated with industrial activity is discharged, observations for the presence of floating materials, visible oil sheen, discoloration, turbidity, odor, etc. in the stormwater discharges, observations for the presence of illicit discharges, a verification that the descriptions of potential pollutant sources required by the permit are accurate, a verification that the site map in the SWPPP reflects current conditions, and an assessment of all BMPs that have been implemented (noting the effectiveness of the BMPs inspected, the locations of BMPs that need maintenance, the reason maintenance is needed and a schedule for maintenance, and locations where additional of different BMPs are needed).

Condition S7.C of the Permits requires that Alaskan Copper record the results of each inspection in an inspection report or checklist that is maintained on-site and that documents the observations, verifications, and assessments required. The report/checklist must include the time and date of the inspection, the locations inspected, a statement that, in the judgment of the person conducting the inspection and the responsible corporate officer, the facility is either in compliance or out of compliance with the SWPPP and the Permits, a summary report and schedule of implementation of the remedial actions that Alaskan Copper plans to take if the site inspection indicates that the facility is out of compliance, the name, title, signature and certification of the person conducting the facility inspection, and a certification and signature of the responsible corporate officer or a duly authorized representative.

Alaskan Copper is in violation of these requirements of Condition S7 of the Permits because, during the last five years, it has failed to conduct each of the requisite visual

monitoring and inspections, failed to prepare and maintain the requisite inspection reports or checklists, and failed to make the requisite certifications and summaries.

IV. CORRECTIVE ACTION VIOLATIONS.

A. Violations of the Level One Requirements.

Condition S8.B of the Permits requires Alaskan Copper take specified actions, called a "Level One Corrective Action," each time quarterly stormwater sample results exceed a benchmark value or are outside the benchmark range for pH.

As described by Condition S8.B of the Permits, a Level One Corrective Action requires Alaskan Copper: (1) review the SWPPP for the facility and ensure that it fully complies with Condition S3 of the Permits and contains the correct BMPs from the applicable Stormwater Management Manual; (2) make appropriate revisions to the SWPPP to include additional operational source control BMPs with the goal of achieving the applicable benchmark values in future discharges and sign and certify the revised SWPPP in accordance with Condition S3.A.6 of the Permits; and (3) summarize the Level One Corrective Action in the Annual Report required under Condition S9.B of the Permits. Condition S8.B.4 of the Permits requires Alaskan Copper implement the revised SWPPP as soon as possible, and no later than the DMR due date for the quarter the benchmark was exceeded.

Condition S5.A and Table 2 of the Permits establish the following benchmarks: turbidity 25 NTU; pH 5 – 9 SU; total copper 14 µg/L; and total zinc 117 µg/L. Condition S5.B and Table 3 of the Permits establish the following additional benchmarks for Standard Industrial Classification (SIC) codes 3443 and 3498 that are applicable to Alaskan Copper: total lead 81.6 µg/L; and petroleum hydrocarbons (diesel fraction) 10 mg/L.

Alaskan Copper has violated the requirements of the Permits described above by failing to conduct a Level One Corrective Action in accordance with permit conditions, including the required review, revision and certification of the SWPPP, the required implementation of additional BMPs, and the required summarization in the annual report each time since January 1, 2012, its quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for pH, including the benchmark excursions listed in Tables 1 and 2 above.

B. Violations of the Level Two Requirements.

Condition S8.C of the Permits requires Alaskan Copper take specified actions, called a "Level Two Corrective Action," each time quarterly stormwater sample results exceed an applicable benchmark value or are outside the benchmark range for pH for any two quarters during a calendar year.

As described by Condition S8.C of the Permits, a Level Two Corrective Action requires Alaskan Copper: (1) review the SWPPP for the facility and ensure that it fully complies with Condition S3 of the Permits; (2) make appropriate revisions to the SWPPP to

include additional structural source control BMPs with the goal of achieving the applicable benchmark value(s) in future discharges and sign and certify the revised SWPPP in accordance with Condition S3.A.6 of the Permits; and (3) summarize the Level Two Corrective Action (planned or take) in the Annual Report required under Condition S9.B of the Permits. Condition S8.C.4 of the Permits require Alaskan Copper implement the revised SWPPP according to condition S3 of the Permits and the applicable stormwater management manual as soon as possible, and no later than September 30th of the following year.

The Permits establish the benchmarks applicable to Alaskan Copper described in section IV.A of this notice of intent to sue letter.

Alaskan Copper has violated the requirements of the Permits described above by failing to conduct a Level Two Corrective Action in accordance with permit conditions, including the required review, revision and certification of the SWPPP, the required implementation of additional BMPs, including additional structural source control BMPs, and the required summarization in the annual report each time since January 1, 2012, its quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for pH for any two quarters during a calendar year. As indicated in Tables 1 and 2 above, these violations include, but are not limited to, Alaskan Copper's failure to fulfill these obligations for copper triggered by its stormwater sampling during calendar year 2012.

C. Violations of the Level Three Requirements.

Condition S8.D of the Permits requires Alaskan Copper take specified actions, called a "Level Three Corrective Action," each time quarterly stormwater sample results exceed an applicable benchmark value or are outside the benchmark range for pH for any three quarters during a calendar year.

As described by Condition S8.D of the Permits, a Level Three Corrective Action requires Alaskan Copper: (1) review the SWPPP for the facility and ensure that it fully complies with Condition S3 of the Permits; (2) make appropriate revisions to the SWPPP to include additional treatment BMPs with the goal of achieving the applicable benchmark value(s) in future discharges and additional operational and/or structural source control BMPs if necessary for proper function and maintenance of treatment BMPs, and sign and certify the revised SWPPP in accordance with Condition S3.A.6 of the Permits; and (3) summarize the Level Three Corrective Action (planned or take) in the Annual Report required under Condition S9.B of the Permits, including information on how monitoring, assessment, or evaluation information was (or will be) used to determine whether existing treatment BMPs will be modified/enhanced, or it new/additional treatment BMPs will be installed. Condition S8.D.2.b of the Permits requires that a licensed professional engineer, geologist, hydrogeologist, of certified professional in storm water quality must design and stamp the portion of the SWPPP that addresses stormwater treatment structures or processes.

Condition S8.D.3 of the Permits requires that, before installing BMPs that require the site-specific design or sizing of structures, equipment, or processes to collect, convey, treat, reclaim, or dispose of industrial stormwater, the Alaskan Copper submit an engineering

report, plans, and specifications, and an operations and maintenance manual to Ecology for review in accordance with chapter 173-204 of the Washington Administrative Code. The engineering report must be submitted no later than the May 15 prior to the Level Three Corrective Action Deadline. The plans and specifications and the operations and maintenance manual must be submitted to Ecology at least 30 days before construction/installation.

Condition S8.D.5 of the Permits requires Alaskan Copper fully implement the revised SWPPP according to condition S3 of the Permits and the applicable stormwater management manual as soon as possible, and no later than September 30th of the following year.

The Permits establish the benchmarks applicable to Alaskan Copper described in section IV.A of this notice of intent to sue letter.

Alaskan Copper has violated the requirements of the Permits described above by failing to conduct a Level Three Corrective Action in accordance with permit conditions, including the required review, revision and certification of the SWPPP, including the requirement to have a specified professional design and stamp the portion of the SWPPP pertaining to treatment, the required implementation of additional BMPs, including additional treatment BMPs, the required submission of an engineering report, plans, specifications, and an operations and maintenance plan, and the required summarization in the annual report each time its quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for pH for any three quarters during a calendar year. As indicated in Tables 1 and 2 above, these violations include, but are not limited to, Alaskan Copper's failure to fulfill these obligations for copper triggered by its stormwater sampling during calendar year 2010, 2011, 2013, 2014, and 2015, and for zinc in 2010, 2011, 2012, 2013 and 2014. Moreover, any purported treatment BMPs implemented in any of these years were not reasonably expected to achieve the applicable benchmark values in future discharges and did not meet the AKART standard.

V. EFFLUENT LIMITATION VIOLATIONS.

Condition S6.C.1 of the 2015 Permit requires Permittees discharging to a "303(d)-listed" waterbody (Water Quality Category 5), either directly or indirectly through a stormwater drainage system must comply with the applicable sampling requirements and numeric effluent limits in Table 6 of the 2015 Permit. The "applicable sampling requirements and numeric effluent limits" means the sampling and effluent limits in Table 6 that correspond to the specific parameter(s) the receiving was is 303(d)-listed for at the time of permit coverage, or Total Suspended Solids (TSS) if the waterbody is 303(d)-listed for sediment quality at the time of permit coverage. *See also* 2015 Permit Condition S6.C.2.b (the Duwamish Waterway is also a Puget Sound Sediment Cleanup Site, subject to this condition). Condition S6.C.1 of the 2010 Permit contained substantially identical requirements, but refers to Table 5 of that Permit.

Alaskan Copper discharges to a segment of the Duwamish Waterway, which is 303(d)-listed (Category 5) for sediment bioassay, and has been so listed for sediment bioassay since the 2008 water quality assessment. Alaskan Copper's discharges are subject to a

maximum daily effluent limitation of 30 mg/L for total suspended solids (TSS). Alaskan Copper discharges stormwater that contains elevated levels of TSS in excess of the corresponding numeric effluent limitation, as indicated in the table of effluent limitation violations below. Each and every one of these discharges is a separate violation of the Permits. On information and belief, these numeric effluent limitation violations also occurred at one or more of Alaskan Copper's unmonitored outfalls each and every day over the past five years on which there was at least 0.1 inch of precipitation in a 24 hour period and are reasonably likely to recur. Precipitation data from that time period is appended to this notice of intent to sue and identifies these days.

Table 4 – Numeric Effluent Limitation Violations

Date on which sample collected	TSS concentration (limitation: 30 mg/L)
August 14, 2015 (MP 02)	76.9 mg/L
January 12, 2016 (MP 02)	41
April 29, 2016 (MP 02)	65

VI. VIOLATIONS OF THE ANNUAL REPORT REQUIREMENTS.

Condition S9.B of the Permits requires Alaskan Copper to submit an accurate and complete annual report to Ecology no later than May 15 of each year. The annual report must include corrective action documentation as required in Condition S8.B – D of the Permits. If a corrective action is not yet completed at the time of submission of the annual report, Alaskan Copper must describe the status of any outstanding corrective action. Specific information to be included in the annual report is identification of the conditions triggering the need for corrective action, description of the problem and identification of dates discovered, summary of any Level 1, 2, or 3 corrective actions completed during the previous calendar year, including the dates corrective actions completed, and description of the status of any Level 2 or 3 corrective actions triggered during the previous calendar year, including identification of the date Alaskan Copper expects to complete corrective actions.

Alaskan Copper has violated this condition. The annual report submitted by Alaskan Copper for 2012 (in May 2013) does not include the required information. Specifically, there is no description of additional treatment BMPs Alaskan Copper implemented or plans to implement as part of its Level Three corrective actions, and does not describe problems at its unmonitored discharge points, among others. The annual report submitted by Alaskan Copper for 2013 (in May 2014) also does not include the required information, including a lack of information regarding problems at the facility's unmonitored discharge points, among others.

The annual report submitted by Alaskan Copper for 2014 (in May 2015) does not include the required information, either. Specifically, there is no description of proposals for a sustainable solution to the drainage issue at CB 330001 that had been regularly documented before that time, there is no description of stormwater problems at the facility's unmonitored discharge points, and there is no description of additional treatment BMPs Alaskan Copper implemented or plans to implement as part of its Level Three corrective actions for copper,

among others. Finally, the annual report submitted by Alaskan Copper for 2015 (in May 2016) does not include the required information, in part because it inappropriately limits its description to Building 3300, ignoring other portions of the facility for which Alaskan Copper is responsible under the Permit, among other deficiencies.

VII. VIOLATIONS OF THE RECORDKEEPING REQUIREMENTS.

A. Failure to Record Information.

Condition S4.B.3 of the Permits requires Alaskan Copper record and retain specified information for each stormwater sample taken, including the sample date and time, a notation describing if Alaskan Copper collected the sample within the first 30 minutes of stormwater discharge event, an explanation of why Alaskan Copper could not collect a sample within the first 30 minutes of a stormwater discharge event, the sample location, method of sampling and of preservation, and the individual performing the sampling. Upon information and belief, Alaskan Copper is in violation of these conditions as it has not recorded each of these specified items for each sample taken during the last five years.

B. Failure to Retain Records.

Condition S9.C of the Permits requires Alaskan Copper to retain for a minimum of five years a copy of the current Permit, a copy of Alaskan Copper's coverage letter, records of all sampling information, inspection reports including required documentation, any other documentation of compliance with permit requirements, all equipment calibration records, all BMP maintenance records, all original recordings for continuous sampling instrumentation, copies of all laboratory results, copies of all required reports, and records of all data used to complete the application for the Permit. Upon information and belief, Alaskan Copper is in violation of these conditions because it has failed to retain records of such information, reports, and other documentation during the last five years.

VIII. FAILURE TO REPORT PERMIT VIOLATIONS.

Condition S9.E of the Permits requires Alaskan Copper to take certain actions in the event Alaskan Copper is unable to comply with any of the terms and conditions of the Permits which may endanger human health or the environment, or exceed any numeric effluent limitation in the permit. In such circumstances, Alaskan Copper must immediately take action to minimize potential pollution or otherwise stop the noncompliance and correct the problem, and Alaskan Copper must immediately notify the appropriate Ecology regional office of the failure to comply. Alaskan Copper must then submit a detailed written report to Ecology, including specified details, within 5 days of the time Alaskan Copper became aware of the circumstances unless Ecology requests an earlier submission.

On information and belief, Alaskan Copper routinely violates these requirements, including each and every time Alaskan Copper exceeded the numeric effluent limitation, as specified in Table 4, above, each and every time Alaskan Copper failed to comply with the corrective action requirements described in section IV of this notice of intent to sue, and each

and every time Alaskan Copper discharged stormwater with concentrations of pollutants in excess of the Permit benchmarks, as described in Tables 1 and 2, above. All these violations may endanger human health or the environment.

IX. FAILURE TO APPLY FOR MODIFICATION OF PERMIT COVERAGE.

Condition S2.B of the Permits requires a permittee anticipating a significant process change to submit a complete Modification of Coverage Form to Ecology. The permittee must apply at least 60 days before implementing a significant process change, complete the public notice requirements in WAC 173-226-130(d) and comply with SEPA. Appendix 2 of the Permits defines "significant process change" to mean any modification of the facility that would result in either (1) the addition of different pollutants in a significant amount to the facility's discharge; (2) the increase of pollutants in the stormwater discharge by a significant amount; (3) the addition of a new industrial activity that was not previously covered; or (4) the additional of additional impervious surface or acreage such that stormwater discharge would be increased by 25% or more.

On information and belief, Alaskan Copper has expanded and contracted its facility periodically over the past five years, without completing an application for Modification of Coverage, as required, for the expansions. On information and belief, Alaskan Copper violated these conditions because its expansions constituted significant process changes as they increased pollutants in the stormwater discharge by a significant amount, added acreage such that stormwater discharge was increased by at least 25%, and it added new industrial activities.

X. REQUEST FOR SWPPP.

Pursuant to Condition S9.F of the 2015 Permit, Soundkeeper hereby requests that Alaskan Copper Companies, Inc., d.b.a. Alaskan Copper Works provide a copy of, or access to, its SWPPP complete with all incorporated plans, monitoring reports, checklists, and training and inspection logs. The copy of the SWPPP and any other communications about this request should be directed to the undersigned at the letterhead address.

Should Alaskan Copper fail to provide the requested complete copy of, or access to, its SWPPP as required by Condition S9.F of the 2015 Permit, it will be in violation of that condition, which violation shall also be subject to this notice of intent to sue and any ensuing lawsuit.

XI. CONCLUSION.

The above-described violations reflect those indicated by the information currently available to Soundkeeper. These violations are ongoing. Soundkeeper intends to sue for all violations, including those yet to be uncovered and those committed after the date of this Notice of Intent to Sue.

Under Section 309(d) of the CWA, 33 USC § 1319(d), each of the above-described violations subjects the violator to a penalty of up to $37,500 per day for each violation that occurred before November 2, 2015, and $51,570 per day for each violation that occurred thereafter. In addition to civil penalties, Soundkeeper will seek injunctive relief to prevent further violations under Sections 505(a) and (d) of the CWA, 33 USC § 1365(a) and (d), and such other relief as is permitted by law. Also, Section 505(d) of the CWA, 33 USC § 1365(d), permits prevailing parties to recover costs, including attorney's fees.

Soundkeeper believes that this NOTICE OF INTENT TO SUE sufficiently states grounds for filing suit. We intend, at the close of the 60-day notice period, or shortly thereafter, to file a citizen suit against Alaskan Copper Companies, Inc., d.b.a. Alaskan Copper Works under Section 505(a) of the Clean Water Act for violations.

During the 60-day notice period, we would be willing to discuss effective remedies for the violations addressed in this letter and settlement terms. If you wish to pursue such discussions in the absence of litigation, we suggest that you initiate those discussions within 10 days of receiving this notice so that a meeting can be arranged and so that negotiations may be completed promptly. We do not intend to delay the filing of a complaint if discussions are continuing when the notice period ends.

Very truly yours,

SMITH & LOWNEY, PLLC

By: 
Marc Zemel

cc: Catherine McCabe, Acting Administrator, U.S. EPA
Michelle Pirzadeh, Acting Region 10 Administrator, U.S. EPA
Maia Bellon, Director, Washington Department of Ecology
Mason Ward, Registered Agent (27402 72nd Avenue S, Kent, WA 98032)

U.S. Department of Commerce
National Oceanic & Atmospheric Administration
National Environmental Satellite, Data, and Information Service

Elev: 20 ft. Lat: 47.530° N Lon: 122.301° W

Record of Climatological Observations

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Generated on 02/08/2017

National Centers for Environmental Information
151 Patton Avenue
Asheville, North Carolina 28801

Station: **SEATTLE BOEING FIELD, WA US GHCND:USW00024234**

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Preliminary	Year	Month	Day	Temperature (F)			Precipitation					Evaporation		Soil Temperature (F)					
				24 hrs. ending at observation time		at Observation	24 Hour Amounts ending at observation time				At Obs Time			4 in depth			8 in depth		
				Max.	Min.		Rain, melted snow, etc. (in)	Flag	Snow, ice pellets, hail (in)	Flag	Snow, ice pellets, hail, ice on ground (in)	24 Hour Wind Movement (mi)	Amount of Evap. (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
	2012	1	1	55	40		0.00												
	2012	1	2	51	36		0.57												
	2012	1	3	54	43		0.03												
	2012	1	4	54	40		0.65												
	2012	1	5	50	36		0.08												
	2012	1	6	41	37		0.04												
	2012	1	7	46	37		T												
	2012	1	8	49	37		0.00												
	2012	1	9	50	42		0.17												
	2012	1	10	45	35		0.06												
	2012	1	11	45	27		0.00												
	2012	1	12	44	26		0.00												
	2012	1	13	41	25		0.00												
	2012	1	14	42	35		0.13												
	2012	1	15	37	25		0.23												
	2012	1	16	36	27		0.08												
	2012	1	17	40	33		0.08												
	2012	1	18	34	28		0.44												
	2012	1	19	30	28		0.43												
	2012	1	20	41	30		0.50												
	2012	1	21	48	37		0.06												
	2012	1	22	45	34		0.29												
	2012	1	23	48	32		T												
	2012	1	24	52	36		0.24												
	2012	1	25	49	41		0.41												
	2012	1	26	49	32		0.30												
	2012	1	27	45	27		0.00												
	2012	1	28	45	32		T												
	2012	1	29	50	38		0.67												
	2012	1	30	50	44		0.11												
	2012	1	31	50	43		0.04												
			Summary	46	34		5.61		0										

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Empty, or blank, cells indicate that a data observation was not reported.
***Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Sod; 6=Straw mulch; 7=Grass muck; 8=Bare muck; 0=Unknown**
"s" This data value failed one of NCDC's quality control tests.
"T" values in the Precipitation category above indicate a TRACE value was recorded.
"A" values in the Precipitation Flag or the Snow Flag column indicate a multiday total, accumulated since last measurement, is being used.
Data value inconsistency may be present due to rounding calculations during the conversion process from SI metric units to standard imperial units.

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Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Preliminary	Year	Month	Day	Temperature (F)			Precipitation					Evaporation		Soil Temperature (F)					
				24 hrs. ending at observation time		at Observation	24 Hour Amounts ending at observation time				At Obs Time			4 in depth			8 in depth		
				Max.	Min.		Rain, melted snow, etc. (in)	Flag	Snow, ice pellets, hail (in)	Flag	Snow, ice pellets, hail, ice on ground (in)	24 Hour Wind Movement (mi)	Amount of Evap. (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
	2012	2	1	49	36		0.52												
	2012	2	2	48	36		0.00												
	2012	2	3	60	32		0.00												
	2012	2	4	60	32		0.00												
	2012	2	5	54	32		0.00												
	2012	2	6	61	30		0.00												
	2012	2	7	61	38		T												
	2012	2	8	51	42		0.10												
	2012	2	9	51	43		0.11												
	2012	2	10	56	44		0.09												
	2012	2	11	50	43		0.01												
	2012	2	12	48	42		0.04												
	2012	2	13	47	42		0.44												
	2012	2	14	44	33		0.04												
	2012	2	15	46	33		0.00												
	2012	2	16	46	37		0.04												
	2012	2	17	52	42		0.44												
	2012	2	18	46	39		0.22												
	2012	2	19	45	35		0.00												
	2012	2	20																
	2012	2	21	51	35		T												
	2012	2	22	53	38		0.22												
	2012	2	23	48	38		0.00												
	2012	2	24	46	40		0.49												
	2012	2	25	45	35		0.01												
	2012	2	26	43	34		0.00												
	2012	2	27	44	29		0.00												
	2012	2	28																
	2012	2	29	45	31		0.18												
			Summary	50	37		2.95		0										

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Preliminary	Year	Month	Day	Temperature (F)			Precipitation					Evaporation		Soil Temperature (F)					
				24 hrs. ending at observation time		at Observation	24 Hour Amounts ending at observation time				At Obs Time			4 in depth			8 in depth		
				Max.	Min.		Rain, melted snow, etc. (in)	Flag	Snow, ice pellets, hail (in)	Flag	Snow, ice pellets, hail, ice on ground (in)	24 Hour Wind Movement (mi)	Amount of Evap. (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
	2012	3	1	45	36		0.00												
	2012	3	2	46	40		0.04												
	2012	3	3	55	46		0.00												
	2012	3	4	53	46		T												
	2012	3	5	48	35		0.36												
	2012	3	6	45	32		0.05												
	2012	3	7	48	27		0.00												
	2012	3	8	61	35		0.00												
	2012	3	9	50	42		0.17												
	2012	3	10	46	44		0.47												
	2012	3	11	45	37		0.38												
	2012	3	12	48	34		0.68												
	2012	3	13	43	32		0.21												
	2012	3	14	45	33		0.48												
	2012	3	15	53	41		1.05												
	2012	3	16	50	41		0.25												
	2012	3	17	51	33		0.43												
	2012	3	18	42	32		0.08												
	2012	3	19	45	28		0.10												
	2012	3	20	47	37		0.10												
	2012	3	21	49	36		0.04												
	2012	3	22	50	36		0.12												
	2012	3	23	55	32		0.00												
	2012	3	24	57	38		0.00												
	2012	3	25	56	36		0.00												
	2012	3	26	55	45		T												
	2012	3	27	60	45		0.25												
	2012	3	28	52	46		0.11												
	2012	3	29	50	44		1.15												
	2012	3	30	51	42		0.12												
	2012	3	31	50	39		0.50												
			Summary	50	38		7.14		0										

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				24 hrs. ending at observation time		at Observation	24 Hour Amounts ending at observation time				At Obs Time			4 in depth			8 in depth		
				Max.	Min.		Rain, melted snow, etc. (in)	Flag	Snow, ice pellets, hail (in)	Flag	Snow, ice pellets, hail, ice on ground (in)	24 Hour Wind Movement (mi)	Amount of Evap. (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
	2012	4	1	49	42		0.01												
	2012	4	2	62	40		0.00												
	2012	4	3	54	39		0.17												
	2012	4	4	52	39		T												
	2012	4	5	50	38		0.00												
	2012	4	6	53	39		T												
	2012	4	7	61	36		0.00												
	2012	4	8	69	45		0.00												
	2012	4	9	68	45		0.00												
	2012	4	10	64	50		T												
	2012	4	11	53	44		0.08												
	2012	4	12	59	43		0.01												
	2012	4	13	59	40		0.00												
	2012	4	14	61	38		0.00												
	2012	4	15	61	46		T												
	2012	4	16	57	45		0.25												
	2012	4	17	51	39		0.08												
	2012	4	18	57	45		0.08												
	2012	4	19	57	41		0.29												
	2012	4	20	55	45		0.25												
	2012	4	21	68	42		0.00												
	2012	4	22	72	49		0.00												
	2012	4	23	69	51		0.00												
	2012	4	24	57	52		0.08												
	2012	4	25	63	50		0.39												
	2012	4	26	58	45		0.14												
	2012	4	27	57	44		0.01												
	2012	4	28	62	47		0.01												
	2012	4	29	60	49		0.16												
	2012	4	30	56	46		0.17												
			Summary	59	44		2.18		0										

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Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Preliminary	Year	Month	Day	Temperature (F)			Precipitation					Evaporation		Soil Temperature (F)					
				24 hrs. ending at observation time		at Observation	24 Hour Amounts ending at observation time				At Obs Time			4 in depth			8 in depth		
				Max.	Min.		Rain, melted snow, etc. (in)	Flag	Snow, ice pellets, hail (in)	Flag	Snow, ice pellets, hail, ice on ground (in)	24 Hour Wind Movement (mi)	Amount of Evap. (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
	2012	5	1	54	44		0.05												
	2012	5	2	57	43		0.01												
	2012	5	3	51	46		0.77												
	2012	5	4	54	42		0.33												
	2012	5	5	56	42		0.00												
	2012	5	6	63	38		0.00												
	2012	5	7	74	46		0.00												
	2012	5	8	65	49		0.00												
	2012	5	9	56	45		0.01												
	2012	5	10	58	38		0.00												
	2012	5	11	64	43		0.00												
	2012	5	12	73	46		0.00												
	2012	5	13	74	49		0.00												
	2012	5	14	77	54		0.00												
	2012	5	15	75	50		0.00												
	2012	5	16	68	52		0.00												
	2012	5	17	64	45		0.47												
	2012	5	18	60	45		0.00												
	2012	5	19	66	45		0.00												
	2012	5	20	59	54		0.16												
	2012	5	21	63	51		0.41												
	2012	5	22	55	50		0.12												
	2012	5	23	59	49		0.02												
	2012	5	24	62	49		0.01												
	2012	5	25	71	47		0.05												
	2012	5	26	74	48		0.00												
	2012	5	27	64	53		0.00												
	2012	5	28	63	52		T												
	2012	5	29	62	47		0.00												
	2012	5	30	66	52		0.02												
	2012	5	31	64	55		0.16												
			Summary	64	47		2.59		0										

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Preliminary	Year	Month	Day	Temperature (F)			Precipitation					Evaporation		Soil Temperature (F)					
				24 hrs. ending at observation time		at Observation	24 Hour Amounts ending at observation time				At Obs Time			4 in depth			8 in depth		
				Max.	Min.		Rain, melted snow, etc. (in)	Flag	Snow, ice pellets, hail (in)	Flag	Snow, ice pellets, hail, ice on ground (in)	24 Hour Wind Movement (mi)	Amount of Evap. (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
	2012	6	1	69	54		0.09												
	2012	6	2	66	52		0.02												
	2012	6	3	62	50		0.00												
	2012	6	4	55	49		0.03												
	2012	6	5	58	47		0.49												
	2012	6	6	61	43		0.00												
	2012	6	7	61	49		0.55												
	2012	6	8	60	47		0.06												
	2012	6	9	63	48		0.02												
	2012	6	10	66	51		0.00												
	2012	6	11	76	52		0.01												
	2012	6	12	66	56		0.02												
	2012	6	13	60	53		0.00												
	2012	6	14	61	51		0.00												
	2012	6	15	72	48		T												
	2012	6	16	73	61		T												
	2012	6	17	67	54		0.00												
	2012	6	18	61	50		0.24												
	2012	6	19	66	51		0.03												
	2012	6	20	74	50		0.00												
	2012	6	21	73	54		0.00												
	2012	6	22	60	54		0.36												
	2012	6	23	61	52		0.66												
	2012	6	24	67	51		0.01												
	2012	6	25	66	52		T												
	2012	6	26	64	50		0.01												
	2012	6	27	72	47		0.00												
	2012	6	28	73	52		T												
	2012	6	29	71	60		T												
	2012	6	30	69	59		T												
			Summary	66	52		2.60		0										

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"Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Sod; 6=Straw mulch; 7=Grass muck; 8=Bare muck; 0=Unknown

"s" This data value failed one of NCDC's quality control tests.

"T" values in the Precipitation category above indicate a TRACE value was recorded.

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U.S. Department of Commerce
National Oceanic & Atmospheric Administration
National Environmental Satellite, Data, and Information Service

Elev: 20 ft. Lat: 47.530° N Lon: 122.301° W

Station: **SEATTLE BOEING FIELD, WA US GHCND:USW00024234**

Record of Climatological Observations

These data are quality controlled and may not be identical to the original observations.

Generated on 02/08/2017

National Centers for Environmental Information
151 Patton Avenue
Asheville, North Carolina 28801

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Preliminary	Year	Month	Day	Temperature (F)			Precipitation					Evaporation		Soil Temperature (F)					
				24 hrs. ending at observation time		at Observation	24 Hour Amounts ending at observation time				At Obs Time			4 in depth			8 in depth		
				Max.	Min.		Rain, melted snow, etc. (in)	Flag	Snow, ice pellets, hail (in)	Flag	Snow, ice pellets, hail, ice on ground (in)	24 Hour Wind Movement (mi)	Amount of Evap. (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
	2012	7	1	68	56		T												
	2012	7	2	66	54		T												
	2012	7	3	65	54		0.01												
	2012	7	4	69	52		0.00												
	2012	7	5	75	51		0.00												
	2012	7	6	77	55		0.00												
	2012	7	7	77	56		0.00												
	2012	7	8	79	58		0.00												
	2012	7	9	78	57		T												
	2012	7	10	73	53		0.00												
	2012	7	11	79	58		0.00												
	2012	7	12	80	59		0.00												
	2012	7	13	73	58		0.00												
	2012	7	14	78	60		T												
	2012	7	15	67	57		T												
	2012	7	16	77	57		0.00												
	2012	7	17	72	59		T												
	2012	7	18	70	59		0.00												
	2012	7	19	76	59		0.00												
	2012	7	20	68	58		0.72												
	2012	7	21	75	60		0.00												
	2012	7	22	68	55		T												
	2012	7	23	67	53		0.00												
	2012	7	24	72	55		0.00												
	2012	7	25	78	57		0.00												
	2012	7	26	80	59		0.00												
	2012	7	27	66	57		0.00												
	2012	7	28	71	57		0.00												
	2012	7	29	74	60		0.00												
	2012	7	30	67	56		0.00												
	2012	7	31	73	58		0.00												
			Summary	73	57		0.73		0										

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***Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Sod; 6=Straw mulch; 7=Grass muck; 8=Bare muck; 0=Unknown**
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"T" values in the Precipitation category above indicate a TRACE value was recorded.
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U.S. Department of Commerce
National Oceanic & Atmospheric Administration
National Environmental Satellite, Data, and Information Service

Elev: 20 ft. Lat: 47.530° N Lon: 122.301° W

Station: **SEATTLE BOEING FIELD, WA US GHCND:USW00024234**

Record of Climatological Observations

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Generated on 02/08/2017

National Centers for Environmental Information
151 Patton Avenue
Asheville, North Carolina 28801

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Preliminary	Year	Month	Day	Temperature (F)			Precipitation					Evaporation		Soil Temperature (F)					
				24 hrs. ending at observation time		at Observation	24 Hour Amounts ending at observation time				At Obs Time			4 in depth			8 in depth		
				Max.	Min.		Rain, melted snow, etc. (in)	Flag	Snow, ice pellets, hail (in)	Flag	Snow, ice pellets, hail, ice on ground (in)	24 Hour Wind Movement (mi)	Amount of Evap. (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
	2012	8	1	76	56		0.00												
	2012	8	2	73	56		0.00												
	2012	8	3	78	56		0.00												
	2012	8	4	87	64		0.00												
	2012	8	5	92	65		0.00												
	2012	8	6	82	62		T												
	2012	8	7	70	60		0.00												
	2012	8	8	73	60		0.00												
	2012	8	9	74	59		0.00												
	2012	8	10	76	57		0.00												
	2012	8	11	81	58		0.00												
	2012	8	12	84	60		0.00												
	2012	8	13	84	61		0.00												
	2012	8	14	81	60		0.00												
	2012	8	15	85	63		0.00												
	2012	8	16	91	65		0.00												
	2012	8	17	91	62		0.00												
	2012	8	18	72	59		0.00												
	2012	8	19	74	61		0.00												
	2012	8	20	77	60		0.00												
	2012	8	21	73	58		0.00												
	2012	8	22	72	59		0.00												
	2012	8	23	69	58		0.00												
	2012	8	24	70	50		0.00												
	2012	8	25	76	53		0.00												
	2012	8	26	71	55		0.00												
	2012	8	27	75	56		0.00												
	2012	8	28	75	57		0.00												
	2012	8	29	74	57		0.00												
	2012	8	30	72	57		0.00												
	2012	8	31	71	53		0.00												
			Summary	77	59		0.00		0										

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U.S. Department of Commerce
National Oceanic & Atmospheric Administration
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Elev: 20 ft. Lat: 47.530° N Lon: 122.301° W

Station: **SEATTLE BOEING FIELD, WA US GHCND:USW00024234**

Record of Climatological Observations

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National Centers for Environmental Information
151 Patton Avenue
Asheville, North Carolina 28801

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Preliminary	Year	Month	Day	Temperature (F)			Precipitation					Evaporation		Soil Temperature (F)					
				24 hrs. ending at observation time		at Observation	24 Hour Amounts ending at observation time				At Obs Time			4 in depth			8 in depth		
				Max.	Min.		Rain, melted snow, etc. (in)	Flag	Snow, ice pellets, hail (in)	Flag	Snow, Ice pellets, hail, ice on ground (in)	24 Hour Wind Movement (mi)	Amount of Evap. (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
	2012	9	1	72	51		0.00												
	2012	9	2	70	52		0.00												
	2012	9	3	71	55		0.00												
	2012	9	4	74	52		0.00												
	2012	9	5	77	53		0.00												
	2012	9	6	79	59		0.00												
	2012	9	7	85	58		0.00												
	2012	9	8	80	57		0.00												
	2012	9	9	67	58		T												
	2012	9	10	67	52		0.02												
	2012	9	11	65	51		0.00												
	2012	9	12	68	50		0.00												
	2012	9	13	77	51		0.00												
	2012	9	14	76	53		0.00												
	2012	9	15	73	52		0.00												
	2012	9	16	75	50		0.00												
	2012	9	17	78	53		0.00												
	2012	9	18	80	54		0.00												
	2012	9	19	72	53		0.00												
	2012	9	20	70	52		0.00												
	2012	9	21	62	56		0.00												
	2012	9	22	67	53		0.02												
	2012	9	23	67	49		0.00												
	2012	9	24	69	49		T												
	2012	9	25	67	54		0.00												
	2012	9	26	65	50		0.00												
	2012	9	27	71	51		0.00												
	2012	9	28	76	53		T												
	2012	9	29	67	54		T												
	2012	9	30	67	47		0.00												
			Summary	72	53		0.04		0										

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National Centers for Environmental Information
151 Patton Avenue
Asheville, North Carolina 28801

Elev: 20 ft. Lat: 47.530° N Lon: 122.301° W

Station: **SEATTLE BOEING FIELD, WA US GHCND:USW00024234**

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Preliminary	Year	Month	Day	Temperature (F)			Precipitation					Evaporation		Soil Temperature (F)					
				24 hrs. ending at observation time		at Observation	24 Hour Amounts ending at observation time				At Obs Time			4 in depth			8 in depth		
				Max.	Min.		Rain, melted snow, etc. (in)	Flag	Snow, ice pellets, hail (in)	Flag	Snow, ice pellets, hail, ice on ground (in)	24 Hour Wind Movement (mi)	Amount of Evap. (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
	2012	10	1	73	46		0.00												
	2012	10	2	63	51		0.00												
	2012	10	3	66	45		0.00												
	2012	10	4	65	47		0.00												
	2012	10	5	70	46		0.00												
	2012	10	6	71	41		0.00												
	2012	10	7	72	44		0.00												
	2012	10	8	71	42		0.00												
	2012	10	9	60	49		0.00												
	2012	10	10	55	47		0.00												
	2012	10	11	56	46		0.00												
	2012	10	12	58	48		0.09												
	2012	10	13	62	55		0.11												
	2012	10	14	64	57		0.53												
	2012	10	15	63	54		0.21												
	2012	10	16	63	48		0.00												
	2012	10	17	59	43		0.00												
	2012	10	18	65	46		0.67												
	2012	10	19	60	48		0.07												
	2012	10	20	52	42		0.18												
	2012	10	21	54	37		0.14												
	2012	10	22	47	39		0.26												
	2012	10	23	53	41		T												
	2012	10	24	52	43		0.19												
	2012	10	25	53	43		0.00												
	2012	10	26	53	44		0.06												
	2012	10	27	58	49		0.75												
	2012	10	28	59	51		0.27												
	2012	10	29	61	51		0.56												
	2012	10	30	60	54		1.38												
	2012	10	31	61	51		0.65												
			Summary	61	47		6.12		0										

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U.S. Department of Commerce
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Elev: 20 ft. Lat: 47.530° N Lon: 122.301° W

Station: **SEATTLE BOEING FIELD, WA US GHCND:USW00024234**

Record of Climatological Observations

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National Centers for Environmental Information
151 Patton Avenue
Asheville, North Carolina 28801

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Preliminary	Year	Month	Day	Temperature (F)			Precipitation					Evaporation		Soil Temperature (F)					
				24 hrs. ending at observation time		at Observation	24 Hour Amounts ending at observation time				At Obs Time			4 in depth			8 in depth		
				Max.	Min.		Rain, melted snow, etc. (In)	Flag	Snow, ice pellets, hail (in)	Flag	Snow, ice pellets, hail, ice on ground (in)	24 Hour Wind Movement (mi)	Amount of Evap. (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
	2012	11	1	60	52		0.32												
	2012	11	2	60	50		0.19												
	2012	11	3	60	53		0.02												
	2012	11	4	65	55		0.21												
	2012	11	5	59	48		0.05												
	2012	11	6	57	44		0.01												
	2012	11	7	55	40		0.00												
	2012	11	8	50	36		0.00												
	2012	11	9	48	32		0.00												
	2012	11	10	47	28		0.00												
	2012	11	11	49	32		0.55												
	2012	11	12	54	44		0.13												
	2012	11	13	53	47		0.19												
	2012	11	14	53	41		T												
	2012	11	15	50	37		0.00												
	2012	11	16	48	36		0.25												
	2012	11	17	55	42		0.20												
	2012	11	18	51	43		0.63												
	2012	11	19	57	47		2.51												
	2012	11	20	53	41		0.20												
	2012	11	21	48	39		0.52												
	2012	11	22	47	35		0.02												
	2012	11	23	51	44		1.00												
	2012	11	24	50	39		T												
	2012	11	25	48	36		0.00												
	2012	11	26	48	35		0.00												
	2012	11	27	50	34		0.00												
	2012	11	28	48	37		0.12												
	2012	11	29	56	43		0.11												
	2012	11	30	59	46		1.51												
			Summary	53	41		8.74		0										

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National Centers for Environmental Information
151 Patton Avenue
Asheville, North Carolina 28801

Elev: 20 ft. Lat: 47.530° N Lon: 122.301° W

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Station: **SEATTLE BOEING FIELD, WA US GHCND:USW00024234**

Preliminary	Year	Month	Day	Temperature (F)			Precipitation					Evaporation		Soil Temperature (F)					
				24 hrs. ending at observation time		at Observation	24 Hour Amounts ending at observation time				At Obs Time			4 in depth			8 in depth		
				Max.	Min.		Rain, melted snow, etc. (in)	Flag	Snow, ice pellets, hail (in)	Flag	Snow, ice pellets, hail, ice on ground (in)	24 Hour Wind Movement (mi)	Amount of Evap. (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
	2012	12	1	57	48		0.28												
	2012	12	2	49	45		1.00												
	2012	12	3	50	47		0.43												
	2012	12	4	55	46		0.46												
	2012	12	5	49	41		0.02												
	2012	12	6	46	42		0.07												
	2012	12	7	47	38		0.14												
	2012	12	8	45	38		0.00												
	2012	12	9	45	37		0.06												
	2012	12	10	46	43		0.00												
	2012	12	11	47	43		0.10												
	2012	12	12	45	42		0.28												
	2012	12	13	46	39		0.11												
	2012	12	14	45	34		0.24												
	2012	12	15	42	30		0.24												
	2012	12	16	47	39		0.93												
	2012	12	17	48	37		0.10												
	2012	12	18	41	33		0.05												
	2012	12	19	48	1s		1.00												
	2012	12	20	47	1s		0.63												
	2012	12	21	47	30		0.07												
	2012	12	22	49	38		0.12												
	2012	12	23	47	38		0.39												
	2012	12	24	45	37		0.08												
	2012	12	25	44	37		0.41												
	2012	12	26	46	40		0.26												
	2012	12	27	47	39		0.27												
	2012	12	28	49	38		T												
	2012	12	29	43	38		0.06												
	2012	12	30	43	33		0.00												
	2012	12	31	41	31		0.00												
			Summary	47	36		7.80		0										

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"s" This data value failed one of NCDC's quality control tests.

"T" values in the Precipitation category above indicate a TRACE value was recorded.

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Elev: 20 ft. Lat: 47.530° N Lon: 122.301° W

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National Centers for Environmental Information
151 Patton Avenue
Asheville, North Carolina 28801

Station: **SEATTLE BOEING FIELD, WA US GHCND:USW00024234**

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Preliminary	Year	Month	Day	Temperature (F)			Precipitation					Evaporation		Soil Temperature (F)					
				24 hrs. ending at observation time		at Observation	24 Hour Amounts ending at observation time				At Obs Time			4 in depth			8 in depth		
				Max.	Min.		Rain, melted snow, etc. (in)	Flag	Snow, ice pellets, hail (in)	Flag	Snow, ice pellets, hail, ice on ground (in)	24 Hour Wind Movement (mi)	Amount of Evap. (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
	2013	1	1	44	26		0.00												
	2013	1	2	47	28		0.00												
	2013	1	3	47	26		0.18												
	2013	1	4	54	38		0.07												
	2013	1	5	46	41		0.10												
	2013	1	6	47	40		0.03												
	2013	1	7	52	41		0.02												
	2013	1	8	55	43		0.54												
	2013	1	9	52	37		1.14												
	2013	1	10	40	30		T												
	2013	1	11	39	27		0.00												
	2013	1	12	40	24		0.00												
	2013	1	13	38	23		0.00												
	2013	1	14	40	30		0.00												
	2013	1	15	45	33		0.00												
	2013	1	16	45	27		0.00												
	2013	1	17	39	28		0.00												
	2013	1	18	40	33		0.00												
	2013	1	19	38	33		0.00												
	2013	1	20	41	31		0.00												
	2013	1	21	38	32		0.00												
	2013	1	22	40	31		T												
	2013	1	23	45	38		0.21												
	2013	1	24	47	36		0.16												
	2013	1	25	54	39		0.09												
	2013	1	26	49	40		0.16												
	2013	1	27	44	41		0.01												
	2013	1	28	45	39		0.21												
	2013	1	29	49	43		0.29												
	2013	1	30	50	46		0.06												
	2013	1	31	53	47		0.08												
			Summary	45	35		3.35		0										

The "" flags in Preliminary indicate the data have not completed processing and qualitycontrol and may not be identical to the original observation
Empty, or blank, cells indicate that a data observation was not reported.
*Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Sod; 6=Straw mulch; 7=Grass muck; 8=Bare muck; 0=Unknown
"s" This data value failed one of NCDC's quality control tests.
"T" values in the Precipitation category above indicate a TRACE value was recorded.
"A" values in the Precipitation Flag or the Snow Flag column indicate a multiday total, accumulated since last measurement, is being used.
Data value inconsistency may be present due to rounding calculations during the conversion process from SI metric units to standard imperial units.

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April 19, 2017

Via Certified Mail - Return Receipt Requested
Scott Pruitt, Administrator
U.S. EPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Mail Code: 1101A
Washington, DC 20460

Via Certified Mail - Return Receipt Requested
Attorney General
Citizen Suit Coordinator
U.S. Department of Justice - ENRD
P.O. Box 7415
Ben Franklin Station
Washington DC 20044-7415

Via Certified Mail - Return Receipt Requested
Michelle Pirzadeh, Acting Administrator
U.S. EPA, Region 10
1200 Sixth Ave., Suite 900
Seattle, WA 98101

Re: Puget Soundkeeper Alliance v. Alaskan Copper Companies, Inc. d.b.a. Alaskan Copper Works, W.D. Wash. No. 2:17-cv-00627

Dear Honorable Civil Servants,

Enclosed is a copy of the complaint filed in the Western District of Washington in the above-named Clean Water Act citizen suit. This notice is provided to you pursuant to 40 CFR 135.4.

Very truly yours,

SMITH & LOWNEY, PLLC

By: _____
Marc Zemel

Richard Smith, WSBA #21788
Marc Zemel, WSBA # 44325
SMITH & LOWNEY, PLLC
2317 East John Street
Seattle, Washington 98112
(206) 860-2883

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PUGET SOUNDKEEPER ALLIANCE, Plaintiff, v. ALASKAN COPPER COMPANIES, INC. d.b.a. ALASKAN COPPER WORKS, Defendant.	)	COMPLAINT

I. INTRODUCTION

1. This action is a citizen suit brought under Section 505 of the Clean Water Act ("CWA") as amended, 33 U.S.C. § 1365. Plaintiff Puget Soundkeeper Alliance seeks a declaratory judgment, injunctive relief, the imposition of civil penalties, and the award of costs, including attorneys' and expert witnesses' fees, for Defendant Alaskan Copper Companies, Inc., d.b.a. Alaskan Copper Work's ("Alaskan Copper") repeated and ongoing violations of Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342, and the terms and conditions of its National Pollutant Discharge Elimination System ("NPDES") permit authorizing discharges of pollutants from Defendant's Seattle, Washington, facility to navigable waters.

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II. JURISDICTION AND VENUE

2. The Court has subject matter jurisdiction under Section 505(a) of the CWA, 33 U.S.C. § 1365(a). The relief requested herein is authorized by 33 U.S.C. §§ 1319(d) and 1365(a).

3. Under Section 505 (b)(1)(A) of the CWA, 33 U.S.C. § 1365(b)(1)(A), Plaintiff notified Defendant of Defendant's violations of the CWA and of Plaintiff's intent to sue under the CWA by letter dated and postmarked February 8, 2017 and delivered February 13, 2017 ("Notice Letter"). A copy of the Notice Letter is attached to this complaint as Exhibit 1. The allegations in the Notice Letter are incorporated herein by this reference. Plaintiff notified Defendant's Registered Agent, the Administrator of the United States Environmental Protection Agency ("USEPA"), the Administrator of USEPA Region 10, and the Director of the Washington Department of Ecology ("WDOE") of its intent to sue Defendant by mailing copies of the Notice Letter to these officials on February 8, 2017.

4. More than sixty days have passed since the notice was served and the violations complained of in the Notice Letter are continuing or are reasonably likely to continue to occur. Defendant is in violation of its NPDES permit and the CWA. Neither the USEPA nor the WDOE has commenced any action constituting diligent prosecution to redress these violations.

5. The source of the violations complained of is located in King County, Washington, within the Western District of Washington, and venue is therefore appropriate in the Western District of Washington pursuant to Section 505(c)(1) of the CWA, 33 U.S.C. § 1365(c)(1).

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III. PARTIES

6. Plaintiff, Puget Soundkeeper Alliance, is suing on behalf of itself and its member(s). Puget Soundkeeper Alliance is a non-profit corporation organized under the laws of the State of Washington. Puget Soundkeeper Alliance is a membership organization and has at least one member who is injured by Defendant's violations. Puget Soundkeeper Alliance is dedicated to protecting and preserving the environment of Washington State, especially the quality of its waters.

7. Plaintiff has representational standing to bring this action. Puget Soundkeeper Alliance's members are reasonably concerned about the effects of discharges of pollutants, including stormwater from Defendant's facility, on aquatic species and wildlife that Plaintiff's members observe, study and enjoy. Puget Soundkeeper Alliance's members are further concerned about the effect of discharges from Defendant's facility on human health. In addition, discharges from Defendant's facility lessen Puget Soundkeeper Alliance's members' aesthetic enjoyment of nearby areas. Puget Soundkeeper Alliance's members' concerns about the effects of Defendant's discharges are aggravated by Defendant's failure to record and report information about its discharges and pollution controls. The recreational, economic, aesthetic and/or health interests of Puget Soundkeeper Alliance and its member(s) have been, are being, and will be adversely affected by Defendant's violations of the CWA. The relief sought in this lawsuit can redress the injuries to these interests.

8. Plaintiff has organizational standing to bring this action. Plaintiff has been actively engaged in a variety of educational and advocacy efforts to improve water quality and to address sources of water quality degradation in the waters of western Washington, including the Duwamish Waterway and Puget Sound. Defendant has failed to fulfill monitoring,

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recordkeeping, reporting and planning requirements, among others, necessary for compliance with its NPDES permit and the CWA. As a result, Plaintiff is deprived of information necessary to properly serve its members by providing information and taking appropriate action to advance its mission. Plaintiff's efforts to educate and advocate for greater environmental protection for the benefit of its members are also precluded. Finally, Plaintiff and the public are deprived of information that influences members of the public to become members of Puget Soundkeeper Alliance, thereby reducing Puget Soundkeeper Alliance's membership numbers. Thus, Plaintiff's organizational interests have been adversely affected by Defendant's violations. These injuries are fairly traceable to Defendant's violations and redressable by the Court.

9. Defendant is a corporation authorized to conduct business under the laws of the State of Washington.

10. Defendant owns and operates a facility comprising several contiguous and adjacent buildings, parcels and outdoor storage/industrial areas used for dimensional metal pipe fabrication, located at or about 3200 6th Avenue South, 3405 6th Avenue South, 3300 6th Avenue South, and 2958 6th Avenue South, Seattle, WA 98134, including other contiguous or adjacent properties owned or operated by Defendant (the "facility").

IV. LEGAL BACKGROUND

11. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants by any person, unless in compliance with the provisions of the CWA. Section 301(a) prohibits, inter alia, such discharges not authorized by, or in violation of, the terms of a NPDES permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

12. The State of Washington has established a federally approved state NPDES program administered by the WDOE. Wash. Rev. Code § 90.48.260; Wash. Admin. Code ch.

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173-220. This program was approved by the Administrator of the USEPA pursuant to 33 U.S.C. § 1342(b).

13. Pursuant to Section 402(a) of the CWA, 33 U.S.C. § 1342(a), the WDOE has repeatedly issued the Industrial Stormwater General Permit, most recently on December 3, 2014, (the "General Permit"). The General Permit, in its various iterations since its first issuance in 1993 containing comparable requirements, authorizes those that obtain coverage under the General Permit to discharge stormwater, a pollutant under the CWA, and other pollutants contained in the stormwater to the waters of the State subject to certain terms and conditions.

14. The General Permit imposes certain terms and conditions on those covered thereby, including monitoring and sampling of discharges, reporting and recordkeeping requirements. To reduce and eliminate pollutant concentrations in stormwater discharges, the General Permit requires, among other things, that Permittees develop and implement best management practices ("BMPs") and a Stormwater Pollution Prevention Plan ("SWPPP"), and apply all known and reasonable methods of prevention, control and treatment ("AKART") to discharges. When a Permittee's stormwater discharge exceeds benchmark values for concentrations of certain pollutants (and action levels for concentrations of certain pollutants in a previous version of the General Permit), the General Permit requires the Permittee to complete the applicable Level 1, 2, or 3 corrective action requirement. The specific terms and conditions of the General Permit are described in detail in the Notice Letter, attached hereto as Exhibit 1, and incorporated herein by this reference.

V. FACTS

15. Pursuant to Condition S2 of the General Permit, Defendant filed with the WDOE an Application for General Permit to Discharge Stormwater Associated with Industrial Activity.

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WDOE granted Defendant coverage under the General Permit for Defendant's facility under Permit Number WAR000139. WDOE previously granted Defendant coverage under earlier versions of the General Permit for Defendant's facility under the same Permit Number WAR000139, and Permit Number SO3000139.

16. Defendant's facility is engaged in industrial activity and discharges stormwater and other pollutants to the Duwamish Waterway, a tributary to Puget Sound, via catch basins, pipes, ditches, and a municipal stormwater conveyance system.

17. Discharges from Defendant's facility contribute to the polluted conditions of the waters of the State, including contribution to the degradation and the impairment of the Duwamish Waterway for Sediment Bioassay, and polychlorinated biphenyls (PCB), among other toxins. Discharges from Defendant's facility contribute to the ecological impacts that result from the polluted state of these waters and to Plaintiff's and their members' injuries resulting therefrom.

18. The vicinity of the facility and the receiving waters are used by the citizens of Washington and visitors, as well as at least one of Plaintiff's members, for recreational activities, including boating, volunteering, biking, hiking, fishing and nature watching. Plaintiff's member(s) also derive(s) aesthetic benefits from the receiving waters. Plaintiff's and its members' enjoyment of these activities and waters is diminished by the polluted state of the receiving waters and by Defendant's contributions to such polluted state.

19. Defendant has violated the General Permit and Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342, by discharging pollutants in violation of an NPDES Permit. Defendant's violations of the General Permit and the CWA are set forth in full in sections I through IX of the Notice Letter, attached hereto as Exhibit 1, and are incorporated

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herein by this reference. In particular and among the other violations described in the Notice Letter, Defendant has failed to collect representative discharge samples, failed to analyze for all required parameters, failed to timely submit Discharge Monitoring Reports, failed to implement best management practices to control stormwater quality, violated numeric effluent limitations, failed to conduct corrective actions, failed to comply with water quality standards, and failed to prepare and implement a compliant SWPPP, as required by the General Permit.

20. Defendant has discharged stormwater containing levels of pollutants that exceed the benchmark values established in the General Permit, as specified in Tables 1 and 2 below. Defendant's stormwater discharges are causing or contributing to violations of water quality standards and therefore violate the General Permit. Additionally, Defendant's exceedances of the benchmark values and numeric effluent limitations demonstrate that Defendant is failing to apply AKART to its discharges and/or is failing to implement an adequate SWPPP and BMPs. These requirements and violations are described in detail in section I of the Notice Letter, attached hereto as Exhibit 1, and are incorporated herein by this reference.

21. Defendant has sampled its stormwater discharges on dates identified in Tables 1 and 2 of this Complaint and determined that such discharges contained pollution in amounts exceeding benchmarks, as shown in Tables 1 and 2.

Table 1: Alaskan Copper's Benchmark Exceedances – Monitoring Point 01 and 02

Quarter in which sample collected	Turbidity (Benchmark 25 NTU)	Zn Concentration (Benchmark 117 µg/L)	Cu Concentration (Benchmark 14 µg/L)
1st Quarter 2010	57.4 NTU	193 µg/L	163 µg/L
2nd Quarter 2010		119	132
3rd Quarter 2010		186	128
4th Quarter 2010			99.3
1st Quarter 2011			119
2nd Quarter 2011			33.5
3rd Quarter 2011			95.9

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4th Quarter 2011			32.7
2nd Quarter 2012			35.3
4th Quarter 2012			35.4
1st Quarter 2013	52.7		96.7
2nd Quarter 2013			62.4
3rd Quarter 2013			45.9
4th Quarter 2013			36.2
1st Quarter 2014			90
2nd Quarter 2014			96.4
3rd Quarter 2014			39.5
4th Quarter 2014			27.2
1st Quarter 2015			82.8
2nd Quarter 2015			37.4
3rd Quarter 2015			79.9
4th Quarter 2015			46.3
1st Quarter 2016			16.5
2nd Quarter 2016			231
3rd Quarter 2016[1]			263
4th Quarter 2016		137	405
1st Quarter 2017		118	447

Table 2 – Alaskan Copper's Benchmark Exceedances – Monitoring Point 07

Quarter in which sample collected	Turbidity (Benchmark 25 NTU)	Zn Concentration (Benchmark 117 µg/L)	Cu Concentration (Benchmark 14 µg/L)
1st Quarter 2010	32.5 NTU	666 µg/L	119 µg/L
2nd Quarter 2010		666	116
3rd Quarter 2010		1,870	399
4th Quarter 2010		285	145
2nd Quarter 2011		565	112
3rd Quarter 2011		322	78.3
4th Quarter 2011		422	43.2
1st Quarter 2012		1,080	
2nd Quarter 2012		899	86.6
4th Quarter 2012		1,160	55.5
1st Quarter 2013		1,760	73.3
2nd Quarter 2013		1,840	113
3rd Quarter 2013		3,910	291
1st Quarter 2014		514	183
2nd Quarter 2014		186	67.2
3rd Quarter 2014		235	108
4th Quarter 2014		202	47.6

[1] Starting in 3rd Quarter 2016, Defendant moved its monitoring location south of Building 3300 from catch basin CB330001 (monitoring point "01") to adjacent catch basin CB330002 (monitoring point "02").

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22. The stormwater samples identified in Tables 1 and 2 are representative of and accurately characterize the quality of stormwater discharges generated by the facility during the associated calendar quarter at the associated location.

23. Defendant has not developed and/or implemented a SWPPP in accordance with the requirements of the General Permit. Defendant's SWPPP does not specify all of the BMPs that are necessary to provide AKART and to ensure that discharges do not cause or contribute to violations of water quality standards, and does not include all of the specific requirements of the General Permit, including certain mandatory BMPs, a sufficiently detailed facility description and a sufficiently detailed site map. These SWPPP requirements and violations are described in detail in section II of the Notice Letter, attached hereto as Exhibit 1, and are incorporated herein by this reference.

24. Defendant has violated the monitoring requirements in the General Permit. Defendant has failed to collect stormwater samples and/or submit discharge monitoring reports during all quarters as required by the General Permit.

25. Defendant has several distinct points of discharge offsite that Defendant has never monitored, sampled or submitted DMRs for, as required. These unmonitored discharge points include but are not limited to catch basins next to Building 3200 along 6th Avenue South, catch basins in or adjacent to the outdoor metal storage area between Building 3200 and Building 2958, other discharge locations around Building 2958 and/or Building 628, a discharge location south or east of Building 3405, and a discharge location at the north end of the facility.

26. Defendant failed to collect stormwater samples and/or to submit DMRs for Monitoring Point 07 during the third quarter of 2012, fourth quarter of 2013, first quarter of

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2015, second quarter of 2015, third quarter of 2015, fourth quarter of 2015, first quarter of 2016, second quarter of 2016, third quarter of 2016, fourth quarter of 2016, and first quarter of 2017. These monitoring requirements and violations are described in section III of the Notice Letter, attached hereto as Exhibit 1, and are incorporated herein by this reference.

27. Defendant has failed to analyze for certain parameters during the following monitoring periods as indicated in Table 3 of this Complaint, below:

Table 3 – Parameters Not Analyzed

Monitoring Period	Parameters Not Analyzed (Monitoring Point)
1st Quarter 2012	Copper (MP 07), TSS (MPs 01 and 07)
2nd Quarter 2012	TSS (MPs 01 and 07)
4th Quarter 2012	TSS (MPs 01 and 07)
1st Quarter 2013	TSS (MPs 01 and 07)
2nd Quarter 2013	TSS (MPs 01 and 07)
3rd Quarter 2013	TSS (MPs 01 and 07)
4th Quarter 2013	TSS (MPs 01 and 07)
1st Quarter 2014	Zinc (MP 01), TSS (MPs 01 and 07)
2nd Quarter 2014	Zinc (MP 01), TSS (MPs 01 and 07)
3rd Quarter 2014	Zinc (MP 01), TSS (MPs 01 and 07)
4th Quarter 2014	Zinc (MP 01), TSS (MPs 01 and 07)
1st Quarter 2015	Zinc (MP 01)
2nd Quarter 2015	Zinc (MP 01)
3rd Quarter 2015	Zinc (MP 01)
4th Quarter 2015	Zinc (MP 01)
1st Quarter 2016	Zinc (MP 01)
2nd Quarter 2016	Zinc (MP 01)

28. Defendant's stormwater runoff discharges into a segment of the Duwamish Waterway that is listed as impaired for sediment quality under § 303(d) of the CWA. This segment has been §303(d) listed for sediment bioassay since at least the 2008 water quality assessment, imposing a Total Suspended Solids (TSS) numeric effluent of 30 mg/L on Defendants' discharges under several iterations of the General Permit. Defendant has sampled its stormwater discharges on dates identified in Table 4 of this Complaint and determined that such discharges contained pollution in amounts exceeding the TSS numeric effluent limitation,

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as shown in Table 4. Each and every numeric effluent limitation violation constitutes a separate violation of the General Permit and the CWA. On information and belief, had Defendant sampled its discharges in all required locations at all required times and analyzed those discharges for TSS, Defendant would have documented additional numeric effluent limitation violations. These numeric effluent limitation violations are reasonably likely to recur.

Table 4 – Alaskan Copper's Numeric Effluent Limitation Violations

Date on which sample collected	TSS concentration (limitation: 30 mg/L)
August 14, 2015 (MP 02)	76.9 mg/L
January 12, 2016 (MP 02)	41
April 29, 2016 (MP 02)	65

29. Defendant has not conducted and/or documented inspections as required by the General Permit. These inspection requirements and violations are described in detail in section III.D of the Notice Letter, attached hereto as Exhibit 1, and are incorporated herein by this reference.

30. Defendant has not conducted and/or completed the corrective action responses as required by the General Permit. Condition S8B. of the General Permit requires permittee to undertake a Level 1 corrective action whenever it exceeds a benchmark value identified in Condition S5. A Level 1 corrective action comprises review of the SWPPP to ensure permit compliance, revisions to the SWPPP to include additional operational source control BMPs with the goal of achieving the applicable benchmark values in future discharges, including signature and certification of the revised SWPPP, summary of the Level 1 corrective action in the annual report, and full implementation of the revised SWPPP as soon as possible, but no later than the DMR due date for the quarter the benchmark was exceeded. Defendant was required to complete a Level 1 corrective action for every benchmark exceedance identified in Tables 1

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through 3 above. Defendant has not completed all of these corrective actions as required. These corrective action requirements and violations are described in section VI.A of the Notice Letter, attached hereto as Exhibit 1, and are incorporated herein by this reference. On information and belief, had Defendant conducted all discharge monitoring as required, it would have documented additional Level 1 corrective action requirements that it did not conduct.

31. Condition S8.C. of the General Permit requires a permittee to undertake a Level 2 corrective action whenever it exceeds a benchmark value for any two quarters during a calendar year. A Level 2 corrective action comprises review of the SWPPP to ensure permit compliance, revision of the SWPPP to include additional structural source control BMPs with the goal of achieving the benchmark in future discharges, including signature and certification of the revised SWPPP in accordance with Condition S3.A.6., summary of the Level 2 corrective action (planned or taken) in the annual report, and full implementation of the revised SWPPP by September 30 of the following year, including installation of necessary structural source control BMPs. Defendant triggered Level 2 response requirements for, as indicated by the benchmark exceedances in Tables 1 and 2 above, including for copper in 2012. Defendant has not completed all of the corrective actions as required. These corrective action requirements and violations are described in section IV.B of the Notice Letter, attached hereto as Exhibit 1, and are incorporated herein by this reference. On information and belief, had Defendant conducted all discharge monitoring as required, it would have documented additional Level 2 corrective action requirements that it did not conduct.

32. Condition S8.D. of the General Permit requires a permittee to undertake a Level 3 corrective action whenever it exceeds a benchmark value for any three quarters during a calendar year. A Level 3 corrective action comprises review of the SWPPP to ensure permit compliance,

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revision of the SWPPP to include additional treatment BMPs with the goal of achieving the applicable benchmark value in future discharges, including signature and certification of the revised SWPPP in accordance with Condition S3.A.6., summary of the Level 3 corrective action (planned or taken) in the annual report, and full implementation of the revised SWPPP by September 30 of the following year, including installation of necessary treatment BMPs. Defendant triggered Level 3 corrective action requirements for copper in 2010, 2011, 2013, 2014, 2015 and 2016, and for zinc in 2010, 2011, 2012, 2013, and 2014. Defendant has not completed all of the corrective actions as required. These corrective action requirements and violations are described in section IV.C of the Notice Letter, attached hereto as Exhibit 1, and are incorporated herein by this reference. On information and belief, had Defendant conducted all discharge monitoring as required, it would have documented additional Level 3 corrective action requirements that it did not conduct.

33. Defendant has violated the recordkeeping requirements of the General Permit. The recordkeeping requirements are outlined in Condition S9.C of the General Permit. The General Permit requires the retention of the records identified for a minimum of five (5) years. Defendant is in violation of this condition by failing to retain the sampling documentation of Condition S4.B.3, the inspection documentation of S7, equipment calibration records, all BMP maintenance records, all original recordings for continuous sampling instrumentation, copies of all laboratory reports as described in S3.B.4, all DMRs, or copies of any other reports required by the Permit for the specified five-year period. These requirements and violations are described in section VII of the Notice Letter, which is attached hereto as Exhibit 1 and incorporated herein by this reference.

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34. Defendant has violated the reporting requirements of the General Permit. Defendant failed to submit an annual report with all the required information for 2012, 2013, 2014 and 2015. These reporting requirements and violations are described in section VI of the Notice Letter, attached hereto as Exhibit 1, and are incorporated herein by this reference.

35. Defendant has violated the General Permit's requirements by failing to take the affirmative steps required when Defendant violated terms and conditions of the General Permit, which violations may have endangered human health or the environment. These requirements and violations are described in section VIII of the Notice Letter, attached hereto as Exhibit 1 and incorporated herein by this reference.

36. A significant penalty should be imposed against Defendant pursuant to the penalty factors set forth in 33 U.S.C. § 1319(d).

37. Defendant's violations of the CWA degrade the environment and the water quality of the receiving water bodies.

38. Defendant's violations were avoidable had Defendant been diligent in overseeing facility operations and maintenance.

39. Defendant has benefited economically as a consequence of its violations and its failure to implement improvements at the facility.

40. Defendant is a privately held, profitable corporation operating in multiple states and Canada. Given its size and resources, Defendant can afford to pay a significant penalty. Indeed, such penalty is required to meet the deterrence goals of the Clean Water Act's penalty factors.

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VI. CAUSE OF ACTION

41. The preceding paragraphs and the allegations in sections I through VIII of the Notice Letter are incorporated herein.

42. Defendant's violations of its NPDES permit described herein and in the Notice Letter constitute violations of sections 301 and 402 of the Clean Water Act, 33 U.S.C. §§ 1311 and 1342, and violations of "effluent standard(s) or limitation(s)" as defined by section 505, 33 U.S.C. § 1365.

43. On information and belief, the violations committed by Defendant are ongoing or are reasonably likely to continue to occur. Any and all additional violations of the General Permit and the CWA which occur after those described in Plaintiff's Notice Letter but before a final decision in this action should be considered continuing violations subject to this Complaint.

44. Without the imposition of appropriate civil penalties and the issuance of an injunction, Defendant is likely to continue to violate the General Permit and the CWA to the further injury of the Plaintiff, its member(s) and others.

45. A copy of this Complaint was served upon the Attorney General of the United States and the Administrator of the USEPA as required by 33 U.S.C. § 1365(c)(3).

VII. RELIEF REQUESTED

Wherefore, Plaintiff respectfully requests that this Court grant the following relief:

A. Issue a declaratory judgment that Defendant has violated and continues to be in violation of the General Permit and Sections 301 and 402 of the Clean Water Act, 33 U.S.C. §§ 1311 and 1342;

B. Enjoin Defendant from operating its facility in a manner that results in further violations of the General Permit or the Clean Water Act;

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C. Order Defendant to immediately implement a Storm Water Pollution Prevention Plan that is in compliance with the General Permit, and to provide Plaintiff with a copy of this Plan;

D. Order Defendant to allow Plaintiff to participate in the development and implementation of Defendant's Storm Water Pollution Prevention Plan;

E. Order Defendant to provide Plaintiff, for a period beginning on the date of the Court's Order and running for one year after Defendant achieves compliance with all of the conditions of the General Permit, with copies of all reports and other documents which Defendant submits to the USEPA or to the WDOE regarding Defendant's coverage under the General Permit at the time it is submitted to these authorities;

F. Order Defendant to take specific actions to remediate the environmental harm caused by its violations;

G. Order Defendant to pay civil penalties of $37,500.00 per day of violation for each violation committed by Defendant before November 2, 2015, and $51,570 per day of violation for each violation committed by Defendant thereafter, pursuant to Sections 309(d) and 505(a) of the CWA, 33 U.S.C. §§ 1319(d) and 1365(a), and 40 C.F.R. § 19;

H. Award Plaintiff their litigation expenses, including reasonable attorneys' and expert witness fees, as authorized by Section 505(d) of the CWA, 33 U.S.C. § 1365(d); and

I. Award such other relief as this Court deems appropriate.

[Signature block on following page]

SMITH & LOWNEY, P.L.L.C.
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RESPECTFULLY SUBMITTED this 19th day of April, 2017.

SMITH & LOWNEY, PLLC

By: *s/Richard Smith*
Richard Smith, WSBA # 21788
By: *s/Marc Zemel*
Marc Zemel, WSBA #44325
Attorneys for Plaintiff
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EXHIBIT 1

SMITH & LOWNEY, P.L.L.C.
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SEATTLE, WASHINGTON 98112
(206) 860-2883, FAX (206) 860-4187

February 8, 2017

Via Certified Mail - Return Receipt Requested
Managing Agent
Alaskan Copper Companies, Inc., d.b.a. Alaskan Copper Works
3200 6th Ave S
Seattle, WA 98134

Via Certified Mail - Return Receipt Requested
Managing Agent
Alaskan Copper Companies, Inc., d.b.a. Alaskan Copper Works
P.O. Box 3546
Seattle, WA 98124

Re: **NOTICE OF INTENT TO SUE UNDER THE CLEAN WATER ACT AND REQUEST FOR COPY OF STORMWATER POLLUTION PREVENTION PLAN**

Dear Managing Agent:

We represent Puget Soundkeeper Alliance ("Soundkeeper"), 130 Nickerson St. #107, Seattle, WA 98109, (206) 297-7002. Any response or correspondence related to this matter should be directed to us at the letterhead address. This letter is to provide you with sixty days notice of Soundkeeper's intent to file a citizen suit against Alaskan Copper Companies, Inc., d.b.a. Alaskan Copper Works ("Alaskan Copper") under section 505 of the Clean Water Act ("CWA"), 33 USC § 1365, for the violations described below. This letter is also a request for a copy of the complete and current stormwater pollution prevention plan ("SWPPP") required by Alaskan Copper's National Pollution Discharge Elimination System ("NPDES") permit.

Alaskan Copper was granted coverage under Washington's Industrial Stormwater General Permit issued by the Washington Department of Ecology ("Ecology") on August 21, 2002, effective September 20, 2002, modified on December 1, 2004, reissued on August 15, 2007, effective September 15, 2007, reissued again on October 15, 2008, effective November 15, 2008, and remaining effective through December 31, 2009, under National Pollutant Discharge Elimination System Permit No. SO3000139 (the "2002 Permit"). Alaskan Copper was granted coverage under the subsequent iteration of the Washington Industrial Stormwater General Permit issued by Ecology on October 21, 2009, effective January 1, 2010, modified May 16, 2012, effective July 1, 2012, and set to expire on January 1, 2015, under National Pollutant Discharge Elimination System Permit No. WAR000139 (the "2010 Permit"). Ecology granted Alaskan Copper coverage under the current iteration of the ISGP, issued by Ecology on December 3, 2014, effective January 2, 2015, and set to expire on December 31, 2019 (the "2015 Permit") and maintains the same permit number, WAR000139.

Alaskan Copper has violated and continues to violate the CWA (see Sections 301 and 402 of the CWA, 33 USC §§ 1311 and 1342) and the terms and conditions of the 2010 Permit and the 2015 Permit (collectively, the "Permits") with respect to operations of, and discharges of stormwater and pollutants from, its facility located at or about 3200 6th Avenue S., and encompassing 3300 6th Avenue S., 3223 6th Avenue S., 3301 Avenue S., 3317 6th Avenue S., and 3405 6th Avenue S., in Seattle, WA (the "facility") as described herein, to the Duwamish Waterway. The facility subject to this notice includes any other contiguous or adjacent properties owned or operated by Alaskan Copper.

I. COMPLIANCE WITH STANDARDS.

A. Violations of Water Quality Standards.

Condition S10.A of the Permits prohibits discharges that cause or contribute to violations of water quality standards. Water quality standards are the foundation of the CWA and Washington's efforts to protect clean water. In particular, water quality standards represent the U.S. Environmental Protection Agency ("EPA") and Ecology's determination, based on scientific studies, of the thresholds at which pollution starts to cause significant adverse effects on fish or other beneficial uses. For each water body in Washington, Ecology designates the "beneficial uses" that must be protected through the adoption of water quality standards.

A discharger must comply with both narrative and numeric criteria water quality standards. WAC 173-201A-010; WAC 173-201A-510 ("No waste discharge permit can be issued that causes or contributes to a violation of water quality criteria, except as provided for in this chapter."). Narrative water quality standards provide legal mandates that supplement the numeric criteria. Furthermore, the narrative water quality standard applies with equal force even if Ecology has established a numeric water quality standard. Specifically, Condition S10.A of the Permits requires that Alaskan Copper's discharges not cause or contribute to an excursion of Washington State water quality standards.

Alaskan Copper discharges to the Duwamish Waterway, which does not meet water and sediment quality standards for polychlorinated biphenyls (PCBs), arsenic, Benzo(a)anthracene and other toxic chemicals, and is included on the state's "303(d) list" of impaired water bodies. Alaskan Copper discharges stormwater that contains elevated levels of turbidity, zinc, copper and total suspended solids (TSS) as indicated in the table of benchmark exceedances and table of numeric effluent limitation violations below. These discharges cause and/or contribute to violations of water quality standards (including sediment quality standards) in the Duwamish Waterway for turbidity, copper, zinc, and PCBs, violations of the sediment management standards in the Duwamish Waterway for sediment bioassay, violations of the toxics water quality criteria for salmonid rearing and migration, secondary contract recreation, wildlife habitat and fish harvesting, as well as violations of the aesthetic criteria for the Duwamish Waterway due to the presence of turbid and toxic discharges from the facility that offend the senses of sight, smell and touch in the Duwamish Waterway. *See* WAC 173-201A-200, WAC 173-201A-240, WAC 173-201A-602, WAC

173-201A-600, and WAC 173-204 Part III. These violations have occurred each and every day during the last five years on which there was 0.1 inch or more of precipitation, and continue to occur. Precipitation data from that time period is appended to this notice of intent to sue and identifies these days.

Table 1: Benchmark Exceedances – Monitoring Point 01

Quarter in which sample collected	Turbidity (Benchmark 25 NTU)	Zn Concentration (Benchmark 117 µg/L)	Cu Concentration (Benchmark 14 µg/L)
1st Quarter 2010	57.4 NTU	193 µg/L	163 µg/L
2nd Quarter 2010		119	132
3rd Quarter 2010		186	128
4th Quarter 2010			99.3
1st Quarter 2011			119
2nd Quarter 2011			33.5
3rd Quarter 2011			95.9
4th Quarter 2011			32.7
2nd Quarter 2012			35.3
4th Quarter 2012			35.4
1st Quarter 2013	52.7		96.7
2nd Quarter 2013			62.4
3rd Quarter 2013			45.9
4th Quarter 2013			36.2
1st Quarter 2014			90
2nd Quarter 2014			96.4
3rd Quarter 2014			39.5
4th Quarter 2014			27.2
1st Quarter 2015			82.8
2nd Quarter 2015			37.4
3rd Quarter 2015			79.9
4th Quarter 2015			46.3
1st Quarter 2016			16.5
2nd Quarter 2016			231
3rd Quarter 2016			263
4th Quarter 2016			405

Table 2: Benchmark Exceedances – Monitoring Point 07

Quarter in which sample collected	Turbidity (Benchmark 25 NTU)	Zn Concentration (Benchmark 117 µg/L)	Cu Concentration (Benchmark 14 µg/L)
1st Quarter 2010	32.5 NTU	666 µg/L	119 µg/L
2nd Quarter 2010		666	116
3rd Quarter 2010		1,870	399
4th Quarter 2010		285	145
2nd Quarter 2011		565	112

3rd Quarter 2011	322	78.3
4th Quarter 2011	422	43.2
1st Quarter 2012	1,080	
2nd Quarter 2012	899	86.6
4th Quarter 2012	1,160	55.5
1st Quarter 2013	1,760	73.3
2nd Quarter 2013	1,840	113
3rd Quarter 2013	3,910	291
1st Quarter 2014	514	183
2nd Quarter 2014	186	67.2
3rd Quarter 2014	235	108
4th Quarter 2014	202	47.6

B. Compliance with Standards.

Condition S10.C of the Permits requires Alaskan Copper to apply all known and reasonable methods of prevention, control and treatment ("AKART") to all discharges, including preparation and implementation of an adequate SWPPP and best management practices ("BMPs"). Alaskan Copper has violated and continues to violate these conditions by failing to apply AKART to its discharges or to implement an adequate SWPPP and BMPs as evidenced by the elevated levels of pollutants in its discharge indicated in the table above and as described below in this notice of intent to sue.

Condition S1.A of the Permits requires that all discharges and activities authorized be consistent with the terms and conditions of the permits. Alaskan Copper has violated these conditions by discharging and acting inconsistent with the conditions of the Permits as described in this notice of intent to sue.

II. STORMWATER POLLUTION PREVENTION PLAN VIOLATIONS.

On information and belief, Alaskan Copper is in violation of the Permits' SWPPP provisions as follows:

1. Condition S3.A.1 of the Permits requires Alaskan Copper to develop and implement a SWPPP as specified. Condition S3.A.2 of the Permits requires the SWPPP to specify BMPs necessary to provide AKART and ensure that discharges do not cause or contribute to violations of water quality standards. On information and belief, Alaskan Copper has violated these requirements of the Permits each and every day during the last five years and continues to violate them as it has failed to prepare and/or implement a SWPPP that includes AKART BMPs and BMPs necessary to comply with state water quality standards.

2. Condition S3.A of the Permits requires Alaskan Copper to have and implement a SWPPP that is consistent with permit requirements, fully implemented as directed by permit conditions, and updated as necessary to maintain compliance with permit conditions. On information and belief, Alaskan Copper has violated these requirements of the Permits each and every day during the last five years and continues to violate them because its

SWPPP is not consistent with permit requirements, has not been fully implemented and has not been updated as necessary.

3. The SWPPP fails to satisfy the requirements of Condition S3 of the Permits because it does not adequately describe BMPs. Condition S3.B.4 of the Permits requires that the SWPPP include a description of the BMPs that are necessary for the facility to eliminate or reduce the potential to contaminate stormwater. Condition S3.A.3 of the Permits requires that the SWPPP include BMPs consistent with approved stormwater technical manuals or document how stormwater BMPs included in the SWPPP are demonstratively equivalent to the practices contained in the approved stormwater technical manuals, including the proper selection, implementation, and maintenance of all applicable and appropriate BMPs. Alaskan Copper's SWPPP does not comply with these requirements because it does not adequately describe BMPs and does not include all BMPs consistent with approved stormwater technical manuals nor does it include BMPs that are demonstratively equivalent to such BMPs with documentation of BMP adequacy.

4. Alaskan Copper's SWPPP fails to satisfy the requirements of Condition S3.B.2 of the Permits because it fails to include a facility assessment as mandated. The SWPPP fails to include an adequate facility assessment because it does not describe all the industrial activities conducted at the site in each location, the general layout of the facility including buildings and storage of raw materials, the flow of goods and materials through the facility, or seasonal variations in business hours or in industrial activities, as required.

5. Alaskan Copper's SWPPP fails to satisfy the requirements of Condition S3.B.1 of the Permits because it does not include a site map that identifies all significant features, all the stormwater drainage and discharge structures, the stormwater drainage areas for each stormwater discharge point off-site, a unique identifying number for each discharge point, each sampling location with a unique identifying number, paved areas and buildings, areas of pollutant contact associated with specific industrial activities, conditionally approved non-stormwater discharges, surface water locations, areas of existing and potential soil erosion, vehicle maintenance areas, and lands and waters adjacent to the site that may be helpful in identifying discharge points or drainage routes.

6. Alaskan Copper's SWPPP fails to comply with Condition S3.B.2.b of the Permits because it does not include an inventory of industrial activities that identifies all areas associated with industrial activities that have been or may potentially be sources of pollutants as required. The SWPPP does not identify all areas associated with loading and unloading of dry bulk materials or liquids, outdoor storage of materials or products, outdoor manufacturing and processing, onsite dust or particulate generating processes, on-site waste treatment, storage, or disposal, vehicle and equipment fueling, maintenance, and/or cleaning, roofs or other surfaces exposed to air emissions from a manufacturing building or a process area, and roofs or other surfaces composed of materials that may be mobilized by stormwater as required by these conditions.

7. Alaskan Copper's SWPPP does not comply with Condition S3.B.2.c of the Permits because it does not include an adequate inventory of materials. The SWPPP does not

include a complete inventory of materials that lists the types of materials handled at the site that potentially may be exposed to precipitation or runoff and that could result in stormwater pollution, a short narrative for material describing the potential for the pollutants to be present in stormwater discharge that is updated when data becomes available to verify the presence or absence of the pollutants, a narrative description of any potential sources of pollutants from past activities, materials and spills that were previously handled, treated, stored, or disposed of in a manner to allow ongoing exposure to stormwater as required. The SWPPP does not include the method and location of on-site storage or disposal of such materials and a list of significant spills and significant leaks of toxic or hazardous pollutants as these permit conditions require.

8. Alaskan Copper's SWPPP does not comply with Condition S3.B.3 of the Permits because it does not identify specific individuals by name or title whose current responsibilities include SWPPP development, implementation, maintenance and modification.

9. Condition S3.B.4 of the 2010 Permit required that permittees include in their SWPPPs and implement certain mandatory BMPs no later than July 1, 2010 unless site conditions render the BMP unnecessary, infeasible, or an alternative and equally effective BMP is provided. Condition S3.B.4 of the 2015 Permit also requires that permittees include in their SWPPPs and implement mandatory BMPs subject to the same conditions. Alaskan Copper is in violation of this requirement because it has failed to include in its SWPPP and implement all the mandatory BMPs of the Permits.

10. Alaskan Copper's SWPPP does not comply with Condition S3.B.4.b.i of the Permits because it does not include all required operational source control BMPs specific to the facility in the following categories: good housekeeping (including definition of ongoing maintenance and cleanup of areas that may contribute pollutants to stormwater discharges, and a schedule/frequency for each housekeeping task); preventive maintenance (including BMPs to inspect and maintain stormwater drainage, source controls, treatment systems, and plant equipment and systems, and the schedule/frequency for each task); spill prevention and emergency cleanup plan (including BMPs to prevent spills that can contaminate stormwater, for material handling procedures, storage requirements, cleanup equipment and procedures, and spill logs); employee training (including an overview of what is in the SWPPP, how employees make a difference in complying with the SWPPP, spill response procedures, good housekeeping, maintenance requirements, and material management practices, how training will be conducted, the frequency/schedule of training, and a log of the dates on which specific employees received training); inspections and recordkeeping (including documentation of procedures to ensure compliance with permit requirements for inspections and recordkeeping, including identification of personnel who conduct inspections, provision of a tracking or follow-up procedure to ensure that a report is prepared and appropriate action taken in response to visual monitoring, definition of how Alaskan Copper will comply with signature and record retention requirements, and certification of compliance with the SWPPP and Permit).

11. Alaskan Copper's SWPPP does not comply with Condition S3.B.4.b.i.7 of the Permits because it does not include measures to identify and eliminate the discharge of

process wastewater, domestic wastewater, noncontact cooling water, and other illicit discharges to stormwater sewers, or to surface waters and ground waters of the state.

12. Alaskan Copper's SWPPP does not comply with Condition S3.B.4.b.ii of the Permits because it does not include required structural source control BMPs to minimize the exposure of manufacturing, processing, and material storage areas to rain, snow, snowmelt, and runoff. Alaskan Copper's SWPPP does not comply with Condition S3.B.4.b.iii of the Permits because it does not include treatment BMPs as required.

13. Alaskan Copper's SWPPP fails to comply with Condition S3.B.4.b.v of the Permits because it does not include BMPs to prevent the erosion of soils or other earthen materials and prevent off-site sedimentation and violations of water quality standards.

14. Alaskan Copper's SWPPP fails to satisfy the requirements of Condition S3.B.5 of the Permits because it fails to include a stormwater sampling plan as required. The SWPPP does not include a sampling plan that identifies all points of discharge to surface waters, storm sewers, or discrete ground water infiltration locations, documents why each discharge point is not sampled, identifies each sampling point by its unique identifying number, identifies current staff responsible for conducting stormwater sampling, specifies procedures for sampling collection and handling, specifies procedures for sending samples to the a laboratory, identifies parameters for analysis, holding times and preservatives, laboratory quantization levels, and analytical methods, and that specifies the procedure for submitting the results to Ecology.

III. MONITORING AND REPORTING VIOLATIONS.

A. Failure to Collect Quarterly Samples.

Condition S4.B of the Permits requires Alaskan Copper to collect a sample of its stormwater discharge once during every calendar quarter. Conditions S3.B.5.b and S4.B.2.c of the Permits require Alaskan Copper to collect stormwater samples at each distinct point of discharge offsite except for substantially identical outfalls, in which case only one of the substantially identical outfalls must be sampled. These conditions set forth sample collection criteria, but require the collection of a sample even if the criteria cannot be met. On information and belief, the facility has at least four distinct points of discharge off-site: catch basins CB330001 (Monitoring Point 01), CB331707 (Monitoring Point 07), CB 330102, and a catch basin at the southwest corner of Building 3200. On information and belief, there are also additional unnamed distinct discharge points.

Alaskan Copper violated these requirements by failing to collect stormwater samples at CB 330102 and the catch basin at the southwest corner of Building 3200 at any time over the past five years.

Alaskan Copper violated these requirements by failing to collect stormwater samples at Monitoring Point (MP) 07 during the third quarter of 2012, fourth quarter of 2013, first quarter of 2015, second quarter of 2015, third quarter of 2015, fourth quarter of 2015, first

quarter of 2016, second quarter of 2016, third quarter of 2016, and fourth quarter of 2016. Alaskan Copper also violated these requirements by failing to collect stormwater samples at MP 01 during the third quarter of 2012.

Alaskan Copper has also violated and continues to violate these conditions because it does not sample each additional distinct point of discharge off-site. These violations have occurred and continue to occur each and every quarter during the last five years that Alaskan Copper was and is required to sample its stormwater discharges, including the quarters in which it collected stormwater discharge samples from some, but not each, point of discharge. These violations will continue until Alaskan Copper commences monitoring all distinct points of discharge.

B. Failure to Analyze Quarterly Samples.

Condition S5.A.1 of the Permits requires Alaskan Copper to analyze stormwater samples collected quarterly for turbidity, pH, total copper, and total zinc. Because the facility is engaged in metals fabrication (Standard Industrial Classification codes 3443 and 3498), Condition S5.B, Table 3 of the Permits also requires Alaskan Copper to analyze stormwater samples collected quarterly for total lead and petroleum hydrocarbons (diesel fraction). In addition, because the facility discharges to a segment of the Duwamish Waterway that has been 303(d) listed (Category 5) for sediment quality since the 2008 Water Quality Assessment, Condition S6.C.1 and Tables 5 and 6 of the 2010 and 2015 Permits, respectively, require Alaskan Copper to analyze stormwater samples collected quarterly for total suspended solids (TSS).

Alaskan Copper violated these conditions by failing to analyze stormwater samples as describe in Table 3 below:

Table 3 – Parameters Not Analyzed

Monitoring Period	Parameters Not Analyzed (Monitoring Point)
1st Quarter 2012	Copper (MP 07), TSS (MPs 01 and 07)
2nd Quarter 2012	TSS (MPs 01 and 07)
4th Quarter 2012	TSS (MPs 01 and 07)
1st Quarter 2013	TSS (MPs 01 and 07)
2nd Quarter 2013	TSS (MPs 01 and 07)
3rd Quarter 2013	TSS (MPs 01 and 07)
4th Quarter 2013	TSS (MPs 01 and 07)
1st Quarter 2014	Zinc (MP 01), TSS (MPs 01 and 07)
2nd Quarter 2014	Zinc (MP 01), TSS (MPs 01 and 07)
3rd Quarter 2014	Zinc (MP 01), TSS (MPs 01 and 07)
4th Quarter 2014	Zinc (MP 01), TSS (MPs 01 and 07)
1st Quarter 2015	Zinc (MP 01)
2nd Quarter 2015	Zinc (MP 01)
3rd Quarter 2015	Zinc (MP 01)
4th Quarter 2015	Zinc (MP 01)

1st Quarter 2016	Zinc (MP 01)
2nd Quarter 2016	Zinc (MP 01)

C. Failure to Timely Submit Discharge Monitoring Reports.

Condition S9.A of the Permits requires Alaskan Copper to use DMR forms provided or approved by Ecology to summarize, report and submit monitoring data to Ecology. For each monitoring period (calendar quarter) a DMR must be completed and submitted to Ecology not later than 45 days after the end of the monitoring period.

Alaskan Copper has violated these conditions by failing to submit a DMR within the time prescribed for CB 330102, and a catch basin at the southwest corner of Building 3200 for any quarter over the past five years.

Alaskan Copper has also violated these conditions by failing to submit a DMR within the time prescribed for MP 07 for any quarters in 2015 and 2016. In addition, Alaskan Copper violated these conditions by failing to submit a DMR with the time prescribed for MP 01 for the first quarter of 2014.

D. Failure to Comply with Visual Monitoring Requirements.

Condition S7.A of the Permits requires that monthly visual inspection be conducted at the facility by qualified personnel. Each inspection is to include observations made at stormwater sampling locations and areas where stormwater associated with industrial activity is discharged, observations for the presence of floating materials, visible oil sheen, discoloration, turbidity, odor, etc. in the stormwater discharges, observations for the presence of illicit discharges, a verification that the descriptions of potential pollutant sources required by the permit are accurate, a verification that the site map in the SWPPP reflects current conditions, and an assessment of all BMPs that have been implemented (noting the effectiveness of the BMPs inspected, the locations of BMPs that need maintenance, the reason maintenance is needed and a schedule for maintenance, and locations where additional of different BMPs are needed).

Condition S7.C of the Permits requires that Alaskan Copper record the results of each inspection in an inspection report or checklist that is maintained on-site and that documents the observations, verifications, and assessments required. The report/checklist must include the time and date of the inspection, the locations inspected, a statement that, in the judgment of the person conducting the inspection and the responsible corporate officer, the facility is either in compliance or out of compliance with the SWPPP and the Permits, a summary report and schedule of implementation of the remedial actions that Alaskan Copper plans to take if the site inspection indicates that the facility is out of compliance, the name, title, signature and certification of the person conducting the facility inspection, and a certification and signature of the responsible corporate officer or a duly authorized representative.

Alaskan Copper is in violation of these requirements of Condition S7 of the Permits because, during the last five years, it has failed to conduct each of the requisite visual

monitoring and inspections, failed to prepare and maintain the requisite inspection reports or checklists, and failed to make the requisite certifications and summaries.

IV. CORRECTIVE ACTION VIOLATIONS.

A. Violations of the Level One Requirements.

Condition S8.B of the Permits requires Alaskan Copper take specified actions, called a "Level One Corrective Action," each time quarterly stormwater sample results exceed a benchmark value or are outside the benchmark range for pH.

As described by Condition S8.B of the Permits, a Level One Corrective Action requires Alaskan Copper: (1) review the SWPPP for the facility and ensure that it fully complies with Condition S3 of the Permits and contains the correct BMPs from the applicable Stormwater Management Manual; (2) make appropriate revisions to the SWPPP to include additional operational source control BMPs with the goal of achieving the applicable benchmark values in future discharges and sign and certify the revised SWPPP in accordance with Condition S3.A.6 of the Permits; and (3) summarize the Level One Corrective Action in the Annual Report required under Condition S9.B of the Permits. Condition S8.B.4 of the Permits requires Alaskan Copper implement the revised SWPPP as soon as possible, and no later than the DMR due date for the quarter the benchmark was exceeded.

Condition S5.A and Table 2 of the Permits establish the following benchmarks: turbidity 25 NTU; pH 5 – 9 SU; total copper 14 µg/L; and total zinc 117 µg/L. Condition S5.B and Table 3 of the Permits establish the following additional benchmarks for Standard Industrial Classification (SIC) codes 3443 and 3498 that are applicable to Alaskan Copper: total lead 81.6 µg/L; and petroleum hydrocarbons (diesel fraction) 10 mg/L.

Alaskan Copper has violated the requirements of the Permits described above by failing to conduct a Level One Corrective Action in accordance with permit conditions, including the required review, revision and certification of the SWPPP, the required implementation of additional BMPs, and the required summarization in the annual report each time since January 1, 2012, its quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for pH, including the benchmark excursions listed in Tables 1 and 2 above.

B. Violations of the Level Two Requirements.

Condition S8.C of the Permits requires Alaskan Copper take specified actions, called a "Level Two Corrective Action," each time quarterly stormwater sample results exceed an applicable benchmark value or are outside the benchmark range for pH for any two quarters during a calendar year.

As described by Condition S8.C of the Permits, a Level Two Corrective Action requires Alaskan Copper: (1) review the SWPPP for the facility and ensure that it fully complies with Condition S3 of the Permits; (2) make appropriate revisions to the SWPPP to

include additional structural source control BMPs with the goal of achieving the applicable benchmark value(s) in future discharges and sign and certify the revised SWPPP in accordance with Condition S3.A.6 of the Permits; and (3) summarize the Level Two Corrective Action (planned or take) in the Annual Report required under Condition S9.B of the Permits. Condition S8.C.4 of the Permits require Alaskan Copper implement the revised SWPPP according to condition S3 of the Permits and the applicable stormwater management manual as soon as possible, and no later than September 30th of the following year.

The Permits establish the benchmarks applicable to Alaskan Copper described in section IV.A of this notice of intent to sue letter.

Alaskan Copper has violated the requirements of the Permits described above by failing to conduct a Level Two Corrective Action in accordance with permit conditions, including the required review, revision and certification of the SWPPP, the required implementation of additional BMPs, including additional structural source control BMPs, and the required summarization in the annual report each time since January 1, 2012, its quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for pH for any two quarters during a calendar year. As indicated in Tables 1 and 2 above, these violations include, but are not limited to, Alaskan Copper's failure to fulfill these obligations for copper triggered by its stormwater sampling during calendar year 2012.

C. Violations of the Level Three Requirements.

Condition S8.D of the Permits requires Alaskan Copper take specified actions, called a "Level Three Corrective Action," each time quarterly stormwater sample results exceed an applicable benchmark value or are outside the benchmark range for pH for any three quarters during a calendar year.

As described by Condition S8.D of the Permits, a Level Three Corrective Action requires Alaskan Copper: (1) review the SWPPP for the facility and ensure that it fully complies with Condition S3 of the Permits; (2) make appropriate revisions to the SWPPP to include additional treatment BMPs with the goal of achieving the applicable benchmark value(s) in future discharges and additional operational and/or structural source control BMPs if necessary for proper function and maintenance of treatment BMPs, and sign and certify the revised SWPPP in accordance with Condition S3.A.6 of the Permits; and (3) summarize the Level Three Corrective Action (planned or take) in the Annual Report required under Condition S9.B of the Permits, including information on how monitoring, assessment, or evaluation information was (or will be) used to determine whether existing treatment BMPs will be modified/enhanced, or it new/additional treatment BMPs will be installed. Condition S8.D.2.b of the Permits requires that a licensed professional engineer, geologist, hydrogeologist, of certified professional in storm water quality must design and stamp the portion of the SWPPP that addresses stormwater treatment structures or processes.

Condition S8.D.3 of the Permits requires that, before installing BMPs that require the site-specific design or sizing of structures, equipment, or processes to collect, convey, treat, reclaim, or dispose of industrial stormwater, the Alaskan Copper submit an engineering

report, plans, and specifications, and an operations and maintenance manual to Ecology for review in accordance with chapter 173-204 of the Washington Administrative Code. The engineering report must be submitted no later than the May 15 prior to the Level Three Corrective Action Deadline. The plans and specifications and the operations and maintenance manual must be submitted to Ecology at least 30 days before construction/installation.

Condition S8.D.5 of the Permits requires Alaskan Copper fully implement the revised SWPPP according to condition S3 of the Permits and the applicable stormwater management manual as soon as possible, and no later than September 30th of the following year.

The Permits establish the benchmarks applicable to Alaskan Copper described in section IV.A of this notice of intent to sue letter.

Alaskan Copper has violated the requirements of the Permits described above by failing to conduct a Level Three Corrective Action in accordance with permit conditions, including the required review, revision and certification of the SWPPP, including the requirement to have a specified professional design and stamp the portion of the SWPPP pertaining to treatment, the required implementation of additional BMPs, including additional treatment BMPs, the required submission of an engineering report, plans, specifications, and an operations and maintenance plan, and the required summarization in the annual report each time its quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for pH for any three quarters during a calendar year. As indicated in Tables 1 and 2 above, these violations include, but are not limited to, Alaskan Copper's failure to fulfill these obligations for copper triggered by its stormwater sampling during calendar year 2010, 2011, 2013, 2014, and 2015, and for zinc in 2010, 2011, 2012, 2013 and 2014. Moreover, any purported treatment BMPs implemented in any of these years were not reasonably expected to achieve the applicable benchmark values in future discharges and did not meet the AKART standard.

V. EFFLUENT LIMITATION VIOLATIONS.

Condition S6.C.1 of the 2015 Permit requires Permittees discharging to a "303(d)-listed" waterbody (Water Quality Category 5), either directly or indirectly through a stormwater drainage system must comply with the applicable sampling requirements and numeric effluent limits in Table 6 of the 2015 Permit. The "applicable sampling requirements and numeric effluent limits" means the sampling and effluent limits in Table 6 that correspond to the specific parameter(s) the receiving was is 303(d)-listed for at the time of permit coverage, or Total Suspended Solids (TSS) if the waterbody is 303(d)-listed for sediment quality at the time of permit coverage. *See also* 2015 Permit Condition S6.C.2.b (the Duwamish Waterway is also a Puget Sound Sediment Cleanup Site, subject to this condition). Condition S6.C.1 of the 2010 Permit contained substantially identical requirements, but refers to Table 5 of that Permit.

Alaskan Copper discharges to a segment of the Duwamish Waterway, which is 303(d)-listed (Category 5) for sediment bioassay, and has been so listed for sediment bioassay since the 2008 water quality assessment. Alaskan Copper's discharges are subject to a

maximum daily effluent limitation of 30 mg/L for total suspended solids (TSS). Alaskan Copper discharges stormwater that contains elevated levels of TSS in excess of the corresponding numeric effluent limitation, as indicated in the table of effluent limitation violations below. Each and every one of these discharges is a separate violation of the Permits. On information and belief, these numeric effluent limitation violations also occurred at one or more of Alaskan Copper's unmonitored outfalls each and every day over the past five years on which there was at least 0.1 inch of precipitation in a 24 hour period and are reasonably likely to recur. Precipitation data from that time period is appended to this notice of intent to sue and identifies these days.

Table 4 – Numeric Effluent Limitation Violations

Date on which sample collected	TSS concentration (limitation: 30 mg/L)
August 14, 2015 (MP 02)	76.9 mg/L
January 12, 2016 (MP 02)	41
April 29, 2016 (MP 02)	65

VI. VIOLATIONS OF THE ANNUAL REPORT REQUIREMENTS.

Condition S9.B of the Permits requires Alaskan Copper to submit an accurate and complete annual report to Ecology no later than May 15 of each year. The annual report must include corrective action documentation as required in Condition S8.B – D of the Permits. If a corrective action is not yet completed at the time of submission of the annual report, Alaskan Copper must describe the status of any outstanding corrective action. Specific information to be included in the annual report is identification of the conditions triggering the need for corrective action, description of the problem and identification of dates discovered, summary of any Level 1, 2, or 3 corrective actions completed during the previous calendar year, including the dates corrective actions completed, and description of the status of any Level 2 or 3 corrective actions triggered during the previous calendar year, including identification of the date Alaskan Copper expects to complete corrective actions.

Alaskan Copper has violated this condition. The annual report submitted by Alaskan Copper for 2012 (in May 2013) does not include the required information. Specifically, there is no description of additional treatment BMPs Alaskan Copper implemented or plans to implement as part of its Level Three corrective actions, and does not describe problems at its unmonitored discharge points, among others. The annual report submitted by Alaskan Copper for 2013 (in May 2014) also does not include the required information, including a lack of information regarding problems at the facility's unmonitored discharge points, among others.

The annual report submitted by Alaskan Copper for 2014 (in May 2015) does not include the required information, either. Specifically, there is no description of proposals for a sustainable solution to the drainage issue at CB 330001 that had been regularly documented before that time, there is no description of stormwater problems at the facility's unmonitored discharge points, and there is no description of additional treatment BMPs Alaskan Copper implemented or plans to implement as part of its Level Three corrective actions for copper,

among others. Finally, the annual report submitted by Alaskan Copper for 2015 (in May 2016) does not include the required information, in part because it inappropriately limits its description to Building 3300, ignoring other portions of the facility for which Alaskan Copper is responsible under the Permit, among other deficiencies.

VII. VIOLATIONS OF THE RECORDKEEPING REQUIREMENTS.

A. Failure to Record Information.

Condition S4.B.3 of the Permits requires Alaskan Copper record and retain specified information for each stormwater sample taken, including the sample date and time, a notation describing if Alaskan Copper collected the sample within the first 30 minutes of stormwater discharge event, an explanation of why Alaskan Copper could not collect a sample within the first 30 minutes of a stormwater discharge event, the sample location, method of sampling and of preservation, and the individual performing the sampling. Upon information and belief, Alaskan Copper is in violation of these conditions as it has not recorded each of these specified items for each sample taken during the last five years.

B. Failure to Retain Records.

Condition S9.C of the Permits requires Alaskan Copper to retain for a minimum of five years a copy of the current Permit, a copy of Alaskan Copper's coverage letter, records of all sampling information, inspection reports including required documentation, any other documentation of compliance with permit requirements, all equipment calibration records, all BMP maintenance records, all original recordings for continuous sampling instrumentation, copies of all laboratory results, copies of all required reports, and records of all data used to complete the application for the Permit. Upon information and belief, Alaskan Copper is in violation of these conditions because it has failed to retain records of such information, reports, and other documentation during the last five years.

VIII. FAILURE TO REPORT PERMIT VIOLATIONS.

Condition S9.E of the Permits requires Alaskan Copper to take certain actions in the event Alaskan Copper is unable to comply with any of the terms and conditions of the Permits which may endanger human health or the environment, or exceed any numeric effluent limitation in the permit. In such circumstances, Alaskan Copper must immediately take action to minimize potential pollution or otherwise stop the noncompliance and correct the problem, and Alaskan Copper must immediately notify the appropriate Ecology regional office of the failure to comply. Alaskan Copper must then submit a detailed written report to Ecology, including specified details, within 5 days of the time Alaskan Copper became aware of the circumstances unless Ecology requests an earlier submission.

On information and belief, Alaskan Copper routinely violates these requirements, including each and every time Alaskan Copper exceeded the numeric effluent limitation, as specified in Table 4, above, each and every time Alaskan Copper failed to comply with the corrective action requirements described in section IV of this notice of intent to sue, and each

and every time Alaskan Copper discharged stormwater with concentrations of pollutants in excess of the Permit benchmarks, as described in Tables 1 and 2, above. All these violations may endanger human health or the environment.

IX. FAILURE TO APPLY FOR MODIFICATION OF PERMIT COVERAGE.

Condition S2.B of the Permits requires a permittee anticipating a significant process change to submit a complete Modification of Coverage Form to Ecology. The permittee must apply at least 60 days before implementing a significant process change, complete the public notice requirements in WAC 173-226-130(d) and comply with SEPA. Appendix 2 of the Permits defines "significant process change" to mean any modification of the facility that would result in either (1) the addition of different pollutants in a significant amount to the facility's discharge; (2) the increase of pollutants in the stormwater discharge by a significant amount; (3) the addition of a new industrial activity that was not previously covered; or (4) the additional of additional impervious surface or acreage such that stormwater discharge would be increased by 25% or more.

On information and belief, Alaskan Copper has expanded and contracted its facility periodically over the past five years, without completing an application for Modification of Coverage, as required, for the expansions. On information and belief, Alaskan Copper violated these conditions because its expansions constituted significant process changes as they increased pollutants in the stormwater discharge by a significant amount, added acreage such that stormwater discharge was increased by at least 25%, and it added new industrial activities.

X. REQUEST FOR SWPPP.

Pursuant to Condition S9.F of the 2015 Permit, Soundkeeper hereby requests that Alaskan Copper Companies, Inc., d.b.a. Alaskan Copper Works provide a copy of, or access to, its SWPPP complete with all incorporated plans, monitoring reports, checklists, and training and inspection logs. The copy of the SWPPP and any other communications about this request should be directed to the undersigned at the letterhead address.

Should Alaskan Copper fail to provide the requested complete copy of, or access to, its SWPPP as required by Condition S9.F of the 2015 Permit, it will be in violation of that condition, which violation shall also be subject to this notice of intent to sue and any ensuing lawsuit.

XI. CONCLUSION.

The above-described violations reflect those indicated by the information currently available to Soundkeeper. These violations are ongoing. Soundkeeper intends to sue for all violations, including those yet to be uncovered and those committed after the date of this Notice of Intent to Sue.

Under Section 309(d) of the CWA, 33 USC § 1319(d), each of the above-described violations subjects the violator to a penalty of up to $37,500 per day for each violation that occurred before November 2, 2015, and $51,570 per day for each violation that occurred thereafter. In addition to civil penalties, Soundkeeper will seek injunctive relief to prevent further violations under Sections 505(a) and (d) of the CWA, 33 USC § 1365(a) and (d), and such other relief as is permitted by law. Also, Section 505(d) of the CWA, 33 USC § 1365(d), permits prevailing parties to recover costs, including attorney's fees.

Soundkeeper believes that this NOTICE OF INTENT TO SUE sufficiently states grounds for filing suit. We intend, at the close of the 60-day notice period, or shortly thereafter, to file a citizen suit against Alaskan Copper Companies, Inc., d.b.a. Alaskan Copper Works under Section 505(a) of the Clean Water Act for violations.

During the 60-day notice period, we would be willing to discuss effective remedies for the violations addressed in this letter and settlement terms. If you wish to pursue such discussions in the absence of litigation, we suggest that you initiate those discussions within 10 days of receiving this notice so that a meeting can be arranged and so that negotiations may be completed promptly. We do not intend to delay the filing of a complaint if discussions are continuing when the notice period ends.

Very truly yours,

SMITH & LOWNEY, PLLC

By: 
Marc Zemel

cc: Catherine McCabe, Acting Administrator, U.S. EPA
Michelle Pirzadeh, Acting Region 10 Administrator, U.S. EPA
Maia Bellon, Director, Washington Department of Ecology
Mason Ward, Registered Agent (27402 72nd Avenue S, Kent, WA 98032)

U.S. Department of Commerce
National Oceanic & Atmospheric Administration
National Environmental Satellite, Data, and Information Service

Elev: 20 ft. Lat: 47.530° N Lon: 122.301° W

Record of Climatological Observations

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Generated on 02/08/2017

National Centers for Environmental Information
151 Patton Avenue
Asheville, North Carolina 28801

Station: **SEATTLE BOEING FIELD, WA US GHCND:USW00024234**

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Preliminary	Year	Month	Day	Temperature (F)			Precipitation					Evaporation		Soil Temperature (F)					
				24 hrs. ending at observation time		at Observation	24 Hour Amounts ending at observation time				At Obs Time			4 in depth			8 in depth		
				Max.	Min.		Rain, melted snow, etc. (in)	Flag	Snow, ice pellets, hail (in)	Flag	Snow, ice pellets, hail, ice on ground (in)	24 Hour Wind Movement (mi)	Amount of Evap. (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
	2012	1	1	55	40		0.00												
	2012	1	2	51	36		0.57												
	2012	1	3	54	43		0.03												
	2012	1	4	54	40		0.65												
	2012	1	5	50	36		0.08												
	2012	1	6	41	37		0.04												
	2012	1	7	46	37		T												
	2012	1	8	49	37		0.00												
	2012	1	9	50	42		0.17												
	2012	1	10	45	35		0.06												
	2012	1	11	45	27		0.00												
	2012	1	12	44	26		0.00												
	2012	1	13	41	25		0.00												
	2012	1	14	42	35		0.13												
	2012	1	15	37	25		0.23												
	2012	1	16	36	27		0.08												
	2012	1	17	40	33		0.08												
	2012	1	18	34	28		0.44												
	2012	1	19	30	28		0.43												
	2012	1	20	41	30		0.50												
	2012	1	21	48	37		0.06												
	2012	1	22	45	34		0.29												
	2012	1	23	48	32		T												
	2012	1	24	52	36		0.24												
	2012	1	25	49	41		0.41												
	2012	1	26	49	32		0.30												
	2012	1	27	45	27		0.00												
	2012	1	28	45	32		T												
	2012	1	29	50	38		0.67												
	2012	1	30	50	44		0.11												
	2012	1	31	50	43		0.04												
			Summary	46	34		5.61		0										

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Empty, or blank, cells indicate that a data observation was not reported.
***Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Sod; 6=Straw mulch; 7=Grass muck; 8=Bare muck; 0=Unknown**
"s" This data value failed one of NCDC's quality control tests.
"T" values in the Precipitation category above indicate a TRACE value was recorded.
"A" values in the Precipitation Flag or the Snow Flag column indicate a multiday total, accumulated since last measurement, is being used.
Data value inconsistency may be present due to rounding calculations during the conversion process from SI metric units to standard imperial units.

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Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Preliminary	Year	Month	Day	Temperature (F)			Precipitation					Evaporation		Soil Temperature (F)					
				24 hrs. ending at observation time		at Observation	24 Hour Amounts ending at observation time				At Obs Time			4 in depth			8 in depth		
				Max.	Min.		Rain, melted snow, etc. (in)	Flag	Snow, ice pellets, hail (in)	Flag	Snow, ice pellets, hail, ice on ground (in)	24 Hour Wind Movement (mi)	Amount of Evap. (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
	2012	2	1	49	36		0.52												
	2012	2	2	48	36		0.00												
	2012	2	3	60	32		0.00												
	2012	2	4	60	32		0.00												
	2012	2	5	54	32		0.00												
	2012	2	6	61	30		0.00												
	2012	2	7	61	38		T												
	2012	2	8	51	42		0.10												
	2012	2	9	51	43		0.11												
	2012	2	10	56	44		0.09												
	2012	2	11	50	43		0.01												
	2012	2	12	48	42		0.04												
	2012	2	13	47	42		0.44												
	2012	2	14	44	33		0.04												
	2012	2	15	46	33		0.00												
	2012	2	16	46	37		0.04												
	2012	2	17	52	42		0.44												
	2012	2	18	46	39		0.22												
	2012	2	19	45	35		0.00												
	2012	2	20																
	2012	2	21	51	35		T												
	2012	2	22	53	38		0.22												
	2012	2	23	48	38		0.00												
	2012	2	24	46	40		0.49												
	2012	2	25	45	35		0.01												
	2012	2	26	43	34		0.00												
	2012	2	27	44	29		0.00												
	2012	2	28																
	2012	2	29	45	31		0.18												
			Summary	50	37		2.95		0										

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Preliminary	Year	Month	Day	Temperature (F)			Precipitation					Evaporation		Soil Temperature (F)					
				24 hrs. ending at observation time		at Observation	24 Hour Amounts ending at observation time				At Obs Time			4 in depth			8 in depth		
				Max.	Min.		Rain, melted snow, etc. (in)	Flag	Snow, ice pellets, hail (in)	Flag	Snow, ice pellets, hail, ice on ground (in)	24 Hour Wind Movement (mi)	Amount of Evap. (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
	2012	3	1	45	36		0.00												
	2012	3	2	46	40		0.04												
	2012	3	3	55	46		0.00												
	2012	3	4	53	46		T												
	2012	3	5	48	35		0.36												
	2012	3	6	45	32		0.05												
	2012	3	7	48	27		0.00												
	2012	3	8	61	35		0.00												
	2012	3	9	50	42		0.17												
	2012	3	10	46	44		0.47												
	2012	3	11	45	37		0.38												
	2012	3	12	48	34		0.68												
	2012	3	13	43	32		0.21												
	2012	3	14	45	33		0.48												
	2012	3	15	53	41		1.05												
	2012	3	16	50	41		0.25												
	2012	3	17	51	33		0.43												
	2012	3	18	42	32		0.08												
	2012	3	19	45	28		0.10												
	2012	3	20	47	37		0.10												
	2012	3	21	49	36		0.04												
	2012	3	22	50	36		0.12												
	2012	3	23	55	32		0.00												
	2012	3	24	57	38		0.00												
	2012	3	25	56	36		0.00												
	2012	3	26	55	45		T												
	2012	3	27	60	45		0.25												
	2012	3	28	52	46		0.11												
	2012	3	29	50	44		1.15												
	2012	3	30	51	42		0.12												
	2012	3	31	50	39		0.50												
			Summary	50	38		7.14		0										

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				24 hrs. ending at observation time		at Observation	24 Hour Amounts ending at observation time				At Obs Time			4 in depth			8 in depth		
				Max.	Min.		Rain, melted snow, etc. (in)	Flag	Snow, ice pellets, hail (in)	Flag	Snow, ice pellets, hail, ice on ground (in)	24 Hour Wind Movement (mi)	Amount of Evap. (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
	2012	4	1	49	42		0.01												
	2012	4	2	62	40		0.00												
	2012	4	3	54	39		0.17												
	2012	4	4	52	39		T												
	2012	4	5	50	38		0.00												
	2012	4	6	53	39		T												
	2012	4	7	61	36		0.00												
	2012	4	8	69	45		0.00												
	2012	4	9	68	45		0.00												
	2012	4	10	64	50		T												
	2012	4	11	53	44		0.08												
	2012	4	12	59	43		0.01												
	2012	4	13	59	40		0.00												
	2012	4	14	61	38		0.00												
	2012	4	15	61	46		T												
	2012	4	16	57	45		0.25												
	2012	4	17	51	39		0.08												
	2012	4	18	57	45		0.08												
	2012	4	19	57	41		0.29												
	2012	4	20	55	45		0.25												
	2012	4	21	68	42		0.00												
	2012	4	22	72	49		0.00												
	2012	4	23	69	51		0.00												
	2012	4	24	57	52		0.08												
	2012	4	25	63	50		0.39												
	2012	4	26	58	45		0.14												
	2012	4	27	57	44		0.01												
	2012	4	28	62	47		0.01												
	2012	4	29	60	49		0.16												
	2012	4	30	56	46		0.17												
			Summary	59	44		2.18		0										

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Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Preliminary	Year	Month	Day	Temperature (F)			Precipitation					Evaporation		Soil Temperature (F)					
				24 hrs. ending at observation time		at Observation	24 Hour Amounts ending at observation time				At Obs Time			4 in depth			8 in depth		
				Max.	Min.		Rain, melted snow, etc. (in)	Flag	Snow, ice pellets, hail (in)	Flag	Snow, ice pellets, hail, ice on ground (in)	24 Hour Wind Movement (mi)	Amount of Evap. (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
	2012	5	1	54	44		0.05												
	2012	5	2	57	43		0.01												
	2012	5	3	51	46		0.77												
	2012	5	4	54	42		0.33												
	2012	5	5	56	42		0.00												
	2012	5	6	63	38		0.00												
	2012	5	7	74	46		0.00												
	2012	5	8	65	49		0.00												
	2012	5	9	56	45		0.01												
	2012	5	10	58	38		0.00												
	2012	5	11	64	43		0.00												
	2012	5	12	73	46		0.00												
	2012	5	13	74	49		0.00												
	2012	5	14	77	54		0.00												
	2012	5	15	75	50		0.00												
	2012	5	16	68	52		0.00												
	2012	5	17	64	45		0.47												
	2012	5	18	60	45		0.00												
	2012	5	19	66	45		0.00												
	2012	5	20	59	54		0.16												
	2012	5	21	63	51		0.41												
	2012	5	22	55	50		0.12												
	2012	5	23	59	49		0.02												
	2012	5	24	62	49		0.01												
	2012	5	25	71	47		0.05												
	2012	5	26	74	48		0.00												
	2012	5	27	64	53		0.00												
	2012	5	28	63	52		T												
	2012	5	29	62	47		0.00												
	2012	5	30	66	52		0.02												
	2012	5	31	64	55		0.16												
			Summary	64	47		2.59		0										

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Preliminary	Year	Month	Day	Temperature (F)			Precipitation					Evaporation		Soil Temperature (F)					
				24 hrs. ending at observation time		at Observation	24 Hour Amounts ending at observation time				At Obs Time			4 in depth			8 in depth		
				Max.	Min.		Rain, melted snow, etc. (in)	Flag	Snow, ice pellets, hail (in)	Flag	Snow, ice pellets, hail, ice on ground (in)	24 Hour Wind Movement (mi)	Amount of Evap. (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
	2012	6	1	69	54		0.09												
	2012	6	2	66	52		0.02												
	2012	6	3	62	50		0.00												
	2012	6	4	55	49		0.03												
	2012	6	5	58	47		0.49												
	2012	6	6	61	43		0.00												
	2012	6	7	61	49		0.55												
	2012	6	8	60	47		0.06												
	2012	6	9	63	48		0.02												
	2012	6	10	66	51		0.00												
	2012	6	11	76	52		0.01												
	2012	6	12	66	56		0.02												
	2012	6	13	60	53		0.00												
	2012	6	14	61	51		0.00												
	2012	6	15	72	48		T												
	2012	6	16	73	61		T												
	2012	6	17	67	54		0.00												
	2012	6	18	61	50		0.24												
	2012	6	19	66	51		0.03												
	2012	6	20	74	50		0.00												
	2012	6	21	73	54		0.00												
	2012	6	22	60	54		0.36												
	2012	6	23	61	52		0.66												
	2012	6	24	67	51		0.01												
	2012	6	25	66	52		T												
	2012	6	26	64	50		0.01												
	2012	6	27	72	47		0.00												
	2012	6	28	73	52		T												
	2012	6	29	71	60		T												
	2012	6	30	69	59		T												
			Summary	66	52		2.60		0										

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"Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Sod; 6=Straw mulch; 7=Grass muck; 8=Bare muck; 0=Unknown

"s" This data value failed one of NCDC's quality control tests.

"T" values in the Precipitation category above indicate a TRACE value was recorded.

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U.S. Department of Commerce
National Oceanic & Atmospheric Administration
National Environmental Satellite, Data, and Information Service

Elev: 20 ft. Lat: 47.530° N Lon: 122.301° W

Station: **SEATTLE BOEING FIELD, WA US GHCND:USW00024234**

Record of Climatological Observations

These data are quality controlled and may not be identical to the original observations.

Generated on 02/08/2017

National Centers for Environmental Information
151 Patton Avenue
Asheville, North Carolina 28801

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Preliminary	Year	Month	Day	Temperature (F)			Precipitation					Evaporation		Soil Temperature (F)					
				24 hrs. ending at observation time		at Observation	24 Hour Amounts ending at observation time				At Obs Time			4 in depth			8 in depth		
				Max.	Min.		Rain, melted snow, etc. (in)	Flag	Snow, ice pellets, hail (in)	Flag	Snow, ice pellets, hail, ice on ground (in)	24 Hour Wind Movement (mi)	Amount of Evap. (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
	2012	7	1	68	56		T												
	2012	7	2	66	54		T												
	2012	7	3	65	54		0.01												
	2012	7	4	69	52		0.00												
	2012	7	5	75	51		0.00												
	2012	7	6	77	55		0.00												
	2012	7	7	77	56		0.00												
	2012	7	8	79	58		0.00												
	2012	7	9	78	57		T												
	2012	7	10	73	53		0.00												
	2012	7	11	79	58		0.00												
	2012	7	12	80	59		0.00												
	2012	7	13	73	58		0.00												
	2012	7	14	78	60		T												
	2012	7	15	67	57		T												
	2012	7	16	77	57		0.00												
	2012	7	17	72	59		T												
	2012	7	18	70	59		0.00												
	2012	7	19	76	59		0.00												
	2012	7	20	68	58		0.72												
	2012	7	21	75	60		0.00												
	2012	7	22	68	55		T												
	2012	7	23	67	53		0.00												
	2012	7	24	72	55		0.00												
	2012	7	25	78	57		0.00												
	2012	7	26	80	59		0.00												
	2012	7	27	66	57		0.00												
	2012	7	28	71	57		0.00												
	2012	7	29	74	60		0.00												
	2012	7	30	67	56		0.00												
	2012	7	31	73	58		0.00												
			Summary	73	57		0.73		0										

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***Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Sod; 6=Straw mulch; 7=Grass muck; 8=Bare muck; 0=Unknown**
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"T" values in the Precipitation category above indicate a TRACE value was recorded.
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U.S. Department of Commerce
National Oceanic & Atmospheric Administration
National Environmental Satellite, Data, and Information Service

Elev: 20 ft. Lat: 47.530° N Lon: 122.301° W

Station: **SEATTLE BOEING FIELD, WA US GHCND:USW00024234**

Record of Climatological Observations

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Generated on 02/08/2017

National Centers for Environmental Information
151 Patton Avenue
Asheville, North Carolina 28801

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Preliminary	Year	Month	Day	Temperature (F)			Precipitation					Evaporation		Soil Temperature (F)					
				24 hrs. ending at observation time		at Observation	24 Hour Amounts ending at observation time				At Obs Time			4 in depth			8 in depth		
				Max.	Min.		Rain, melted snow, etc. (in)	Flag	Snow, ice pellets, hail (in)	Flag	Snow, ice pellets, hail, ice on ground (in)	24 Hour Wind Movement (mi)	Amount of Evap. (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
	2012	8	1	76	56		0.00												
	2012	8	2	73	56		0.00												
	2012	8	3	78	56		0.00												
	2012	8	4	87	64		0.00												
	2012	8	5	92	65		0.00												
	2012	8	6	82	62		T												
	2012	8	7	70	60		0.00												
	2012	8	8	73	60		0.00												
	2012	8	9	74	59		0.00												
	2012	8	10	76	57		0.00												
	2012	8	11	81	58		0.00												
	2012	8	12	84	60		0.00												
	2012	8	13	84	61		0.00												
	2012	8	14	81	60		0.00												
	2012	8	15	85	63		0.00												
	2012	8	16	91	65		0.00												
	2012	8	17	91	62		0.00												
	2012	8	18	72	59		0.00												
	2012	8	19	74	61		0.00												
	2012	8	20	77	60		0.00												
	2012	8	21	73	58		0.00												
	2012	8	22	72	59		0.00												
	2012	8	23	69	58		0.00												
	2012	8	24	70	50		0.00												
	2012	8	25	76	53		0.00												
	2012	8	26	71	55		0.00												
	2012	8	27	75	56		0.00												
	2012	8	28	75	57		0.00												
	2012	8	29	74	57		0.00												
	2012	8	30	72	57		0.00												
	2012	8	31	71	53		0.00												
			Summary	77	59		0.00		0										

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U.S. Department of Commerce
National Oceanic & Atmospheric Administration
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Elev: 20 ft. Lat: 47.530° N Lon: 122.301° W

Station: **SEATTLE BOEING FIELD, WA US GHCND:USW00024234**

Record of Climatological Observations

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National Centers for Environmental Information
151 Patton Avenue
Asheville, North Carolina 28801

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Preliminary	Year	Month	Day	Temperature (F)			Precipitation					Evaporation		Soil Temperature (F)					
				24 hrs. ending at observation time		at Observation	24 Hour Amounts ending at observation time				At Obs Time			4 in depth			8 in depth		
				Max.	Min.		Rain, melted snow, etc. (in)	Flag	Snow, ice pellets, hail (in)	Flag	Snow, Ice pellets, hail, ice on ground (in)	24 Hour Wind Movement (mi)	Amount of Evap. (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
	2012	9	1	72	51		0.00												
	2012	9	2	70	52		0.00												
	2012	9	3	71	55		0.00												
	2012	9	4	74	52		0.00												
	2012	9	5	77	53		0.00												
	2012	9	6	79	59		0.00												
	2012	9	7	85	58		0.00												
	2012	9	8	80	57		0.00												
	2012	9	9	67	58		T												
	2012	9	10	67	52		0.02												
	2012	9	11	65	51		0.00												
	2012	9	12	68	50		0.00												
	2012	9	13	77	51		0.00												
	2012	9	14	76	53		0.00												
	2012	9	15	73	52		0.00												
	2012	9	16	75	50		0.00												
	2012	9	17	78	53		0.00												
	2012	9	18	80	54		0.00												
	2012	9	19	72	53		0.00												
	2012	9	20	70	52		0.00												
	2012	9	21	62	56		0.00												
	2012	9	22	67	53		0.02												
	2012	9	23	67	49		0.00												
	2012	9	24	69	49		T												
	2012	9	25	67	54		0.00												
	2012	9	26	65	50		0.00												
	2012	9	27	71	51		0.00												
	2012	9	28	76	53		T												
	2012	9	29	67	54		T												
	2012	9	30	67	47		0.00												
			Summary	72	53		0.04		0										

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National Centers for Environmental Information
151 Patton Avenue
Asheville, North Carolina 28801

Elev: 20 ft. Lat: 47.530° N Lon: 122.301° W

Station: **SEATTLE BOEING FIELD, WA US GHCND:USW00024234**

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Preliminary	Year	Month	Day	Temperature (F)			Precipitation					Evaporation		Soil Temperature (F)					
				24 hrs. ending at observation time		at Observation	24 Hour Amounts ending at observation time				At Obs Time			4 in depth			8 in depth		
				Max.	Min.		Rain, melted snow, etc. (in)	Flag	Snow, ice pellets, hail (in)	Flag	Snow, ice pellets, hail, ice on ground (in)	24 Hour Wind Movement (mi)	Amount of Evap. (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
	2012	10	1	73	46		0.00												
	2012	10	2	63	51		0.00												
	2012	10	3	66	45		0.00												
	2012	10	4	65	47		0.00												
	2012	10	5	70	46		0.00												
	2012	10	6	71	41		0.00												
	2012	10	7	72	44		0.00												
	2012	10	8	71	42		0.00												
	2012	10	9	60	49		0.00												
	2012	10	10	55	47		0.00												
	2012	10	11	56	46		0.00												
	2012	10	12	58	48		0.09												
	2012	10	13	62	55		0.11												
	2012	10	14	64	57		0.53												
	2012	10	15	63	54		0.21												
	2012	10	16	63	48		0.00												
	2012	10	17	59	43		0.00												
	2012	10	18	65	46		0.67												
	2012	10	19	60	48		0.07												
	2012	10	20	52	42		0.18												
	2012	10	21	54	37		0.14												
	2012	10	22	47	39		0.26												
	2012	10	23	53	41		T												
	2012	10	24	52	43		0.19												
	2012	10	25	53	43		0.00												
	2012	10	26	53	44		0.06												
	2012	10	27	58	49		0.75												
	2012	10	28	59	51		0.27												
	2012	10	29	61	51		0.56												
	2012	10	30	60	54		1.38												
	2012	10	31	61	51		0.65												
			Summary	61	47		6.12		0										

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U.S. Department of Commerce
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Elev: 20 ft. Lat: 47.530° N Lon: 122.301° W

Station: **SEATTLE BOEING FIELD, WA US GHCND:USW00024234**

Record of Climatological Observations

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National Centers for Environmental Information
151 Patton Avenue
Asheville, North Carolina 28801

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Preliminary	Year	Month	Day	Temperature (F)			Precipitation					Evaporation		Soil Temperature (F)					
				24 hrs. ending at observation time		at Observation	24 Hour Amounts ending at observation time				At Obs Time			4 in depth			8 in depth		
				Max.	Min.		Rain, melted snow, etc. (In)	Flag	Snow, ice pellets, hail (in)	Flag	Snow, ice pellets, hail, ice on ground (in)	24 Hour Wind Movement (mi)	Amount of Evap. (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
	2012	11	1	60	52		0.32												
	2012	11	2	60	50		0.19												
	2012	11	3	60	53		0.02												
	2012	11	4	65	55		0.21												
	2012	11	5	59	48		0.05												
	2012	11	6	57	44		0.01												
	2012	11	7	55	40		0.00												
	2012	11	8	50	36		0.00												
	2012	11	9	48	32		0.00												
	2012	11	10	47	28		0.00												
	2012	11	11	49	32		0.55												
	2012	11	12	54	44		0.13												
	2012	11	13	53	47		0.19												
	2012	11	14	53	41		T												
	2012	11	15	50	37		0.00												
	2012	11	16	48	36		0.25												
	2012	11	17	55	42		0.20												
	2012	11	18	51	43		0.63												
	2012	11	19	57	47		2.51												
	2012	11	20	53	41		0.20												
	2012	11	21	48	39		0.52												
	2012	11	22	47	35		0.02												
	2012	11	23	51	44		1.00												
	2012	11	24	50	39		T												
	2012	11	25	48	36		0.00												
	2012	11	26	48	35		0.00												
	2012	11	27	50	34		0.00												
	2012	11	28	48	37		0.12												
	2012	11	29	56	43		0.11												
	2012	11	30	59	46		1.51												
			Summary	53	41		8.74		0										

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National Centers for Environmental Information
151 Patton Avenue
Asheville, North Carolina 28801

Elev: 20 ft. Lat: 47.530° N Lon: 122.301° W

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Station: **SEATTLE BOEING FIELD, WA US GHCND:USW00024234**

Preliminary	Year	Month	Day	Temperature (F)			Precipitation					Evaporation		Soil Temperature (F)					
				24 hrs. ending at observation time		at Observation	24 Hour Amounts ending at observation time				At Obs Time			4 in depth			8 in depth		
				Max.	Min.		Rain, melted snow, etc. (in)	Flag	Snow, ice pellets, hail (in)	Flag	Snow, ice pellets, hail, ice on ground (in)	24 Hour Wind Movement (mi)	Amount of Evap. (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
	2012	12	1	57	48		0.28												
	2012	12	2	49	45		1.00												
	2012	12	3	50	47		0.43												
	2012	12	4	55	46		0.46												
	2012	12	5	49	41		0.02												
	2012	12	6	46	42		0.07												
	2012	12	7	47	38		0.14												
	2012	12	8	45	38		0.00												
	2012	12	9	45	37		0.06												
	2012	12	10	46	43		0.00												
	2012	12	11	47	43		0.10												
	2012	12	12	45	42		0.28												
	2012	12	13	46	39		0.11												
	2012	12	14	45	34		0.24												
	2012	12	15	42	30		0.24												
	2012	12	16	47	39		0.93												
	2012	12	17	48	37		0.10												
	2012	12	18	41	33		0.05												
	2012	12	19	48	1s		1.00												
	2012	12	20	47	1s		0.63												
	2012	12	21	47	30		0.07												
	2012	12	22	49	38		0.12												
	2012	12	23	47	38		0.39												
	2012	12	24	45	37		0.08												
	2012	12	25	44	37		0.41												
	2012	12	26	46	40		0.26												
	2012	12	27	47	39		0.27												
	2012	12	28	49	38		T												
	2012	12	29	43	38		0.06												
	2012	12	30	43	33		0.00												
	2012	12	31	41	31		0.00												
			Summary	47	36		7.80		0										

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"s" This data value failed one of NCDC's quality control tests.

"T" values in the Precipitation category above indicate a TRACE value was recorded.

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Elev: 20 ft. Lat: 47.530° N Lon: 122.301° W

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National Centers for Environmental Information
151 Patton Avenue
Asheville, North Carolina 28801

Station: **SEATTLE BOEING FIELD, WA US GHCND:USW00024234**

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Preliminary	Year	Month	Day	Temperature (F)			Precipitation					Evaporation		Soil Temperature (F)					
				24 hrs. ending at observation time		at Observation	24 Hour Amounts ending at observation time				At Obs Time			4 in depth			8 in depth		
				Max.	Min.		Rain, melted snow, etc. (in)	Flag	Snow, ice pellets, hail (in)	Flag	Snow, ice pellets, hail, ice on ground (in)	24 Hour Wind Movement (mi)	Amount of Evap. (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
	2013	1	1	44	26		0.00												
	2013	1	2	47	28		0.00												
	2013	1	3	47	26		0.18												
	2013	1	4	54	38		0.07												
	2013	1	5	46	41		0.10												
	2013	1	6	47	40		0.03												
	2013	1	7	52	41		0.02												
	2013	1	8	55	43		0.54												
	2013	1	9	52	37		1.14												
	2013	1	10	40	30		T												
	2013	1	11	39	27		0.00												
	2013	1	12	40	24		0.00												
	2013	1	13	38	23		0.00												
	2013	1	14	40	30		0.00												
	2013	1	15	45	33		0.00												
	2013	1	16	45	27		0.00												
	2013	1	17	39	28		0.00												
	2013	1	18	40	33		0.00												
	2013	1	19	38	33		0.00												
	2013	1	20	41	31		0.00												
	2013	1	21	38	32		0.00												
	2013	1	22	40	31		T												
	2013	1	23	45	38		0.21												
	2013	1	24	47	36		0.16												
	2013	1	25	54	39		0.09												
	2013	1	26	49	40		0.16												
	2013	1	27	44	41		0.01												
	2013	1	28	45	39		0.21												
	2013	1	29	49	43		0.29												
	2013	1	30	50	46		0.06												
	2013	1	31	53	47		0.08												
			Summary	45	35		3.35		0										

The "" flags in Preliminary indicate the data have not completed processing and qualitycontrol and may not be identical to the original observation
Empty, or blank, cells indicate that a data observation was not reported.
*Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Sod; 6=Straw mulch; 7=Grass muck; 8=Bare muck; 0=Unknown
"s" This data value failed one of NCDC's quality control tests.
"T" values in the Precipitation category above indicate a TRACE value was recorded.
"A" values in the Precipitation Flag or the Snow Flag column indicate a multiday total, accumulated since last measurement, is being used.
Data value inconsistency may be present due to rounding calculations during the conversion process from SI metric units to standard imperial units.